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REVIEW

Bonum est homini ut eum veritas vincat volentem. quia malum est homini ut eum
veritas vincat invitum. Nam ipsa vincat necesse est, sive negantem sive
confitentem. S. AUG. EPIST. ccxxxviii. AD PASCENT.

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RELIGIOUS CUBA, PAST AND PRESENT

A FEW years ago the name of Cuba was on every tongue. The large island to the south of us, at the entrance to the Gulf of Mexico, was in the throes of a revolution that drenched it with blood and finally drew us into a war with Spain that culminated in Cuban independence. Since then the world has moved rapidly; wars and rumors of wars have filled the air; great and stirring events have taken place, and Cuba is almost forgotten by the general public unless something happens—like a prizefight in Havana.

Yet Cuba has been going along the even tenor of its way in spite of many difficulties that have opposed its progress, especially in the economic order. A small but very efficient army, with a fine system of rural guards, keeps the peace and prevents any attempt at further revolution, while the quasi-protectorate exercised by the United States hangs like a sword of Damocles over the young Republic.

Religion, too, in spite of many drawbacks, has not been inactive—that religion which for 400 years has had its opportunities in Cuba.

When Diego Velasquez, in 1511, began the colonization of the island, missionaries accompanied him. Throughout the whole colonial period the conversion of the natives to Christianity was the great object of the Spanish sovereigns, but their good intentions and the zeal of the missionaries were neutralized by the cupidity of the men that were coming to America. In Cuba, as in Santo Domingo, there is nothing to show the results of any missionary activ-

ity whatsoever, for the native race has practically disappeared. There is hardly anything more pathetic than the complete destruction of the Indian races in the West Indies, in spite of the protests of such men as Las Casas and his Dominican brethren.

It is true that a very few years after the conquest a diocese was erected in Cuba that embraced both Florida and Jamaica, but the Bishops were subjects of the Crown and of its representatives and hemmed in by many restrictions. The population increased slowly and towns grew up by degrees over the island. Parishes were formed, though they were few in number. Until the latter part of the eighteenth century there were only two parishes in Havana, with two auxiliary parishes, though there existed a considerable number of other churches and chapels, with religious orders like the Dominicans, Franciscans, Augustinians, Mercedarians, Bethlehemites, Jesuits and Oratorians, besides the convents of nuns of Santa Clara, Santa Catalina and the Discalced Carmelites of Santa Teresa.

The population outside of the important centres lay scattered over the island far from communication with the rest of the world. For a large number of people it was very difficult to perform their religious duties, as they dwelt from fifteen to 200 miles from the nearest church. Yet it would seem that the performance of the Easter duty was general, as we glean from the synod held in 1684 that parish priests were obliged to take a yearly census of their parishioners and denounce those who did not comply with this obligation.

The law of fasting and abstinence was very strict, nor did there exist until the beginning of the nineteenth century anything like the dispensations that prevail to-day which have rendered this ecclesiastical law almost obsolete.

The faithful were also obliged to contribute to the support of the Church by tithes and the contribution of first fruits—a law which to-day is a dead letter.

If we accept a statement found in the synod held in 1684, and a later one of the historian, Arrate, who wrote in 1762, the clergy was a good living and respectable body of men.

Until the end of the eighteenth century there was only one diocese in Cuba—that of Santiago—though a few of the later Bishops had their auxiliaries. From the seventeenth century down to the division of the diocese the Bishops of Cuba resided at Havana, which was also the seat of civil and military authority. When Havana was erected into a diocese, the Bishop of Santiago, who thus far had been suffragan to Santo Domingo, became the metropolitan of the island, with the Bishop of Havana as his suffragan.

This arrangement lasted until the period of independence, after

the Spanish-American war, when two new dioceses were created in Cienfuegos and Pinar del Rio. The Dioceses of Matanzas and Camaguey are of recent creation. At the present time there are thus five suffragan dioceses to that of the Metropolitan See of Santiago, the ecclesiastical division agreeing with its political division, the six provinces of Santiago, or Oriente, Camaguey, Cienfuegos, Matanzas, Havana and Pinar del Rio, each forming a diocese. Until the period of independence the Bishops were nearly all natives of Spain. When the Pearl of the Antilles had finally been wrested from the Crown that for centuries it had served to adorn, a Cuban, Monsignor Barnada, was appointed Archbishop of Santiago, and for a brief period an Italian, Monsignor Sbarretti, occupied the See of Havana. At the present moment, of the five Bishops in Cuba, the See of Santiago being vacant, four are native Cubans and one, the Bishop of Camaguey, is a Spaniard.

From the earliest period religious orders have been strongly represented in the Cuban hierarchy, and we find among the Bishops of Cuba members of the Dominican, Franciscan, Augustinian, Carthusian, Mercedarian and Cistercian Orders. To-day the Bishops of Cienfuegos and Camaguey are both Discalced Carmelites.

Some few of the Archbishops of Santiago were exalted to the Cardinalate after their promotion to dioceses at home. Several of the Cuban Bishops have been men of distinguished merit, and the cause of canonization of one Archbishop of Santiago, Monsignor Claret, who lived in the nineteenth century, has been introduced.

The first of the very few synods that have been held in the Island of Cuba took place in 1684 under Bishop Juan Garcia de Palacios. At a much later period Monsignor Santander, the last Spanish Bishop of Havana, held a synod in his episcopal city, and one was convened this year in the city of Matanzas.

The year after the celebration of the synod in the seventeenth century Cuba received as Bishop Don Diego Evelino de Compostela, one of the most distinguished of all the Cuban Bishops, a man of great learning, disinterested zeal and exalted virtue. He established numerous foundations of religion and charity and greatly increased the number of rural parishes, thus meeting a growing necessity. To Bishop Evelino the parish of San Carlos, in Matanzas, owes its origin. The original church no longer exists, the present edifice being the Cathedral. Bishop Evelino de Compostela lies buried in the Church of the Discalced Carmelite Nuns in Havana, whose monastery owes its origin to him.

Bishop Espada y Landa, who governed the Diocese of Havana for a long time, was a man of great learning and of very liberal views for his day, so that in some quarters he was regarded with

suspicion. He must be considered one of the most eminent of Cuban Bishops.

The youthful Bishop Serrano, with the angelic countenance, whose beautiful monument in the Cathedral of Havana perpetuates his memory, lived too short a time. A man of wonderful activity and apostolic zeal, he gave an immense impetus to religion. Like the apostles of old and like the Franciscans of the thirteenth century, he is said to have preached in the streets—a custom not unknown in Spain. His career of six brief months was cut short by the yellow fever, but his memory is that of a saint.

Another Bishop who has left his impress on the island and who is remembered for what he suffered is Jacinto Maria Martinez y Saez, at one time parish priest of San Carlos, Matanzas. He was a great builder. The beautiful Church of San Pedro de Versalles in Matanzas, was put up under his supervision. Doña Josefa Santa Cruz de Oviedo had left 100,000 pesos for the purpose. The churches of Bainoa, Cienfuegos, Santa Isabel de las Lajas, Trinidad, one of the largest in the island, and the beautiful Church of El Angel, in Havana, are monuments of his great activity.

In his day the ten years' war had broken out and he saw with deepest grief how some of the best citizens of Cuba, among them several priests, were deported to Fernando Po, which meant death. His letters addressed to the authorities in their behalf deserve to be written in golden characters in the history of the island. Whether it was this action in favor of those whom he regarded as his children or whether there were other reasons, he incurred the enmity of evil-minded persons, who caused him to be suspected of favoring the revolution and brought about his exile. On his return from the Vatican Council in 1870 he was not permitted to land in Havana and was forced to return to New York, whence he directed a remarkable pastoral to his people on the sufferings of the Church and of the Holy Father.

The last Spanish prelates of Cuba were the Franciscan, Monsignor Saenz de Utruri, who had been Bishop of Badajoz, in Spain, before his promotion to the Archiepiscopal See of Santiago, and Monsignor Santander y Frutos, Bishop of Havana. Both these prelates resigned their sees and returned to Europe after the American occupation of the island.

The history of the latter is especially pathetic. As Bishop of Matanzas the writer of this article has again and again met the memory of good Bishop Santander on episcopal visitations. During the revolution his sympathies were, of course, manifested in favor of the lawful authority, and he thus incurred the displeasure of the patriot element. After the war I am told that he did not wish to

abandon his flock, being morally forced to resign. By not at once returning to Spain when Cuba was no longer a Spanish colony, he fell into disgrace with the powers at home. It was only by the kind offices of the Holy See that, after spending some time in Rome, he was finally permitted to return to his native land, where he died in great poverty, abandoned even by those who were near to him and who in the days of his prosperity he had financially befriended.

With Monsignor Santander the last vestige of Spanish rule in the Island of Cuba disappeared. Since then a change has come over the Church in Cuba. Through the efforts of its Bishops the standard of the clergy, at least in the western part of the island, the portion with which I am best acquainted, has been raised. In the old Spanish days many undesirables were sent to Cuba and upheld by influence. Some, counterbalancing their open contempt for the canons of the Church by certain natural and civic virtues, were upheld, respected and in some cases loved by the people, who were quite willing to ignore and overlook their faults in other respects. The Bishop frequently could do nothing, and it was often morally impossible for him to remove an ecclesiastic whose life was not in harmony with his sacred calling. He might easily be overruled by the civil and military authorities, who hemmed him in by countless restrictions, for the Bishop himself was a salaried officer of the Crown.

The effect of this state of affairs did, of course, not conduce to the advancement of religion. Other causes had also been operating to produce a sad deterioration and a widespread indifference in religious matters. The principles of the French Revolution, together with the most pernicious French literature, had spread over Latin America, poisoning the minds of the educated classes, while the mass of the people, a considerable proportion of which was in slavery in Cuba, remained in ignorance. Religious instruction was scarce, though grandiloquent sermons were delivered by renowned preachers on the occasion of great festivals. Human respect, too, was and it still is the bane of religion in Latin America. This is one of the reasons why there is such a lack of religious practice, especially among the men of Latin America, while in a large proportion there is no faith at all.

A slight improvement is noticeable since the beginning of independence, and with increase of zeal on the part of the clergy the improvement will continue, as may be seen, for instance, in the work of the Dominican Fathers in the Vedado and of the American Augustinians in the Church of Santo Cristo. The institution of the Knights of Columbus has been of great assistance to the latter.

When the Spanish régime ended in Cuba the Church possessed a magnificent opportunity, but the devil was also at hand to sow his

tares. That was the time to send a corps of efficient missionaries from parish to parish all over the land. It is not too late yet, but unfortunately the means to support this body of missionaries is not forthcoming. When the American public school system was introduced with the banishment of religion from the schools, it is a pity that men were not found in Cuba and in the United States to move heaven and earth in order to prevent this complete secularization of education, to my mind the greatest evil that has befallen the Church in that country. I know that if these lines are read by the masses of the Cuban people, they will applaud them, though they will not increase love for me in the minds of certain enemies of the Church, for whose love or hatred I care not a farthing.

As Monsignor Sbarretti, by effort, succeeded in restoring the validity of the religious marriage, it is possible that had he been on the spot in the beginning, he might have exercised more influence in favor of the religious part of education. I cannot refrain from saying a word here in favor of that good and just man, General Leonard Wood, to whom Cuba is indebted for so much and to whom the Cubans feel so grateful. They always speak of him in the highest terms.

If one beholds the exhibition of Catholicity on certain occasions—for instance, when the Bishop visits a parish—one would think that Cuba is the most Catholic country in the world. The greatest respect is manifested by the people for the Bishop, who is everywhere treated like a prince. At his pastoral visits the church is filled, and all, from the highest to the lowest, welcome him with the greatest manifestations of love and veneration. It is impossible for the Bishop not to feel himself drawn to such a people. I know no country outside of the old colonies of Spain where the Bishop would be received with such an exuberance of joy. The impression made upon him, however, is apt to mislead him, and he may send abroad glowing accounts of the Catholicity of the people of Cuba.

Let him, however, sit down coolly in his study, laying aside the emotions of the heart, and gather facts and figures, and his conclusions will be different. What I write here is not intended to wound, for I love the people of Cuba, and above all I am deeply attached to the people of the province of Matanzas; but we do not heal wounds by covering them up. The fact is that the practice of religion in Cuba leaves much to be desired. The number of priests is not sufficient, while the parishes are too large, much too large. The Church as a body has not a sufficient income, and, speaking for Matanzas, I can say that the diocese is exceedingly poor. It is morally impossible to divide some of the parishes for want of funds. The people as a whole contribute little or nothing to the support of

the Church, there being no income save the stipends for Masses and the gifts for baptisms and marriages.

It is indeed a sad thing to behold that in a parish of, say, 10,000 souls, there will be no more than forty to fifty going to Mass on Sunday, and perhaps not thirty that make their Easter duty; or, still worse, that out of a population of 250,000, one can hardly gather more than about 5,000 Easter Communions. The saddest of all is to contemplate the large number of those who die without the sacraments and to think that in a country in which the Church has been active for four centuries about four-fifths of the people depart this life without the ministrations of religion. There is a widespread antipathy toward summoning the priest when one of the family is dangerously ill, as though the advent of the minister of religion were a harbinger of death. This state of affairs did not always exist. There was a time when there was more religion in Cuba, but there has been a marked decline, apparently during the last century. One of the worst features is to be found in the neglect of the religious training of children at home. In fact, there are parents who actually prevent their children from receiving the sacraments.

It is clear that such a condition is not conducive to public morality. Although the women of the better families are very respectable and a lapse from virtue is never condoned, nothing washing away the stain but marriage, there is widespread concubinage among the lower strata of the population. The Colored girls for whom no respectable marriage is in prospect are especially to be pitied. It must be said, however, to the credit of the Colored race in Cuba that the better elements are opposing this state of things, and they have even formed societies for the promotion of marriage.

The great mass of the Negro population offers a tremendous religious problem. Of great ignorance, with no religious instruction, they are still devoted to the African fetichism and witchcraft they have inherited from their ancestors. Their periodical dances, to the accompaniment of the monotonous African drum, are said to be of a religious character, in which African superstition is mingled with elements of Christianity.

I have found a similar thing among the Chinese population, the shrine of Confucius, with its lights and sandalwood existing almost side by side with that of St. Ann, the object of a like veneration.

And is there positive hostility to religion? Generally speaking, no; in certain quarters, yes. From the civil and military authorities of the province of Matanzas I have received nothing but the greatest consideration and kindness, and I think that is the general attitude of the authorities throughout the island toward the Church. Hostile elements are not wanting, however, that would excite a bit-

ter religious persecution if they had a free hand. Of late there has been an agitation in Congress looking toward a divorce law and the invalidation of the religious marriage, and, in fact, such a law passed the Lower House last year; but thus far no positive action against the Church has been taken.

Protestants were particularly active in Cuba shortly after the American occupation began, but, seeing the slight progress they made, they for a time calmed their efforts while still conducting churches in the principal centres. The greatest harm is, of course, done in their schools, to which they draw a certain number of boys and girls. It is said that Havana will soon be an important centre of the Y. M. C. A., while the Protestant propaganda is carried on by means of frequent discourses against the Catholic Church, as well as by pamphlets that are everywhere distributed.

There is very little to offset all this—no school, no distinctively Catholic press, no centres of Catholic action worth talking about, no efficient service of the priesthood, no coming in contact with the people. There are large parishes of 20,000, 40,000, 70,000 souls with one or two priests and no school, no means of instructing or reaching the people.

When we behold the state of affairs existing in Cuba, we are apt to be discouraged. To us American Catholics whose methods are so different it comes as a shock; for the ecclesiastic who is accustomed to the West Indies and Latin America the impression is less painful. He can more easily reconcile himself to conditions that he has known from childhood, while the externals of religion may appeal to him more strongly than to us, whose temperament inclines us to look for the substantial and for that which lies beneath the surface.

Do the Cubans prefer priests and Bishops of their own nationality? Of course they do; so do we, so do the Germans and the Irish, so do all the nations. It is natural. Yet it must be said to the credit of the Cubans that they accept foreign ecclesiastics with a good grace if one comes with the proper authority. Not only do they accept him, but they are friendly to him if he understands them, sympathizes with them and enters into their life. They could not have treated me better had I been one of their own. Never, never shall I forget the kindness, the invariable courtesy of my good people of Matanzas, from the highest officials down to the Negro children in the streets. Only their climate, to which I could not accustom myself, forced me to leave them. If one understands the Cuban people, wonders can be done with them. You can lead them, but you cannot drive them. As Bishop Martinez remarks, the hand that governs them must be covered with a silken glove. As for docility,

willingness, kindliness, you will not find a better people on earth. Their religious indifference is the result of a most unfortunate series of circumstances. Time and patience will overcome it.

I have seen the possibilities there are in that island. Bishop Martinez tells us how much they helped him in building his churches, even the ladies contributing their share of manual labor with the greatest enthusiasm. Our young ladies of the Catholic Youth Society went throughout the city of Matanzas to collect funds for the painting of the Cathedral, and those of the parish of Agramonte went out into the heat of tropical days, out to the *bohios*, the huts of the laborers, to collect for the upbuilding of their parish church. Unfortunately, the people are poor and cannot do much.

I was told that years ago a mission was given at the Cathedral of Matanzas, with one penitent as the result. This year the good Dominican Fathers from Vedado, Havana, gave us a mission. They had over 300 confessions. It was my happiest moment in Matanzas when I gave the general Communion to about 200 persons, among whom were a goodly number of young men.

Yes, there is a change for the better coming over Cuba, slowly, but surely. If the people could be taught to contribute toward the support of religion, so much would be gained. Schools might be established, priests and parishes increased. If each sugar plantation in the province of Havana and Matanzas and elsewhere could have a chapel, a nucleus might be formed whence the spirit of religion might radiate.

The greatest desideratum is the education of poor children, but here again we are confronted by the great difficulty—want of the necessary funds. The same thing must be said of missions. Frequent missions are undoubtedly one of the most important means of exciting and keeping alive religious fervor among the people of Cuba. Let us trust that Divine Providence will smooth the way, that the machinations of the enemies of the Church will come to naught, and that the light of religious fervor will soon shine with renewed brilliancy upon the beautiful Pearl of the Antilles and its lovable people.

CHARLES WARREN CURRIER.

Washington, D. C.

HOW THEY LIVED IN OLD POMPEII.

“**V**IDI Napoli e poi Mori” has long been a favorite saying of the Neapolitans, and it is as expressive to-day as when it was first uttered. Compliance with it, however, depends very materially upon how it is translated. If it means “See Naples and then die,” I prefer never to see Naples; but if it means see Naples *and then Mori*, a little town not far from Naples, and whose inhabitants regard it as even more beautiful than the far-famed capital of Southern Italy, I must heartily advise the tourist to go to Mori, as it is well worth a visit. It was this latter translation that we accepted one summer vacation, and we have had no reason to regret it. Making Naples our headquarters, we made daily excursions to a city nearby which was destroyed by a volcanic eruption more than 1,800 years ago.

Pompeii! What memories are awakened by that name! The mind wanders back to that fatal day when Vesuvius, angered against the people that dwelt along its slope and around its base, poured out death and destruction among them. And, as if this calamity were not enough, the rapid succession of important events which marked the history of Rome at that time, so engrossed the public mind as to drive the fate of unhappy Pompeii out of the memory of man, and the city soon disappeared beneath vineyard and orchard and garden until it was swallowed up in that oblivion that buries all things. Pompeii was no more; its very site, like those of Nineveh and Babylon, the buried cities of the East, faded from the recollection of even the few learned men who had at some time or other known it by name.

At last, in the sixteenth century, Domenico Fontana, the architect and engineer, the same who set up the great obelisk in the piazza in front of St. Peter's, in Rome, undertook the work of constructing a subterranean canal to lead the waters of the Sarno to Torre dell' Annunziata. During the progress of this work the excavations for the pipes unearthed statue and pillar, palace and fountain, theatre, temple and forum, and research, slow and long drawn, finally revealed to the eyes of the astonished workmen the ruins of a long buried city that proved to be Pompeii.

There is scarcely a boy or girl, much less an adult, who has not been delighted in reading descriptions of the various buildings and art treasures which spade and pick have brought to light, through the years, along the course of which these excavations have been made.

It is not our purpose to go over the ground so often traversed by

other writers and tourists and dwell upon descriptions of these art treasures, except in so far as they shall aid us in studying the home life of a people whose sudden and ruthless "taking off" has awakened the deepest interest.

The drive from Naples to Pompeii occupies from one to two hours, according to the mode of transit you select. You pass through a beautiful and picturesque section of country. Many objects of interest are to be met with in the way, and to the classical scholar none more so than the so-called tomb of Virgil. As we approached Pompeii we find that it was a walled city entered by several gates. We pass through one of these and find a succession of narrow streets paved with lava, and in some places deeply rutted. On either side of us are low-terraced houses of one story; the shops with the ancient signs cut in the stone over the doors, still plainly visible, tell us the nature of the business carried on in them centuries ago. As we proceed we come to mansions of a superior order, telling that, as to-day, wealth and poverty dwelt side by side and that labor and capital played their part in the great drama of life with no less hostility than they do in our day. A *chalcidicum*, or market place, showed us where the truck gardener of 2,000 years ago sold the fruit of his labor for the sustenance of the townspeople, while theatres, temples and baths reminded us that amusements, religious exercises and cleanliness, which is "next to godliness," when resorted to, occupied the minds of the once happy inhabitants. As we wend our way through the habitable portions of the city, we came across statues, medals and jewels, and even a variety of household furniture, some of which is almost intact. We examine these articles, one after another, and we ask ourselves how did these people live? What were their occupations and amusements? Did they carry on any trade with neighboring nations?

Pompeii was to the larger cities of Southern Italy what Coney Island and Long Branch are to New York and Atlantic City to Philadelphia. It was situated near the sea. Like in any seaside places, it had its harbor at a distance. In times long gone by it was the *entrepot* of the trade of Nola, Nocera and Atilla. Its port was large enough to receive a naval armament, for it shattered the fleet of P. Correlius. The Romans were fond of living here, and we find that Cicero had a residence here, to which he frequently refers in his letters. The Emperor Claudius, too, had a villa at Pompeii, and while on a visit to this villa lost one of his children, who, though a prince, perished in a very commonplace manner. Imperial boys are very much like other boys and take to vulgar amusements just as naturally as any other *enfant terrible*. In place of the beanshooter of our day the ancient Pompeian boy had a mania for throwing

pears up in the air and catching them in his mouth as they fell. Our young Crown Prince was one day amusing himself in this way when the fruit choked him by falling too far in his throat. The boys of to-day use figs instead of pears, which renders the feat infinitely less dangerous. By the way, Crown Princes to-day do not appear to be oversolicitous as to the manner in which they shock their royal sires, for we hear that one angered his imperial *pater* by criticizing his strategic movements, while the other is said to have shocked his royal *mater* by using "a great big H."

We have said that Pompeii was a great resort of wealthy Romans and others at certain seasons of the year, and we might add that the Pompeiians were not above making money out of their visitors—a custom unfortunately still in vogue at watering places. The population, we learn, was composed of nobles and slaves; the latter had a monthly allowance of a bushel of corn, a pint of oil and a little wine. The pauper population, like the Neapolitan lazzaroni of our day, were content to live on the scantiest fare. In the middle of the second century, before the Christian era, the usual price of one day's board and lodging at an average Italian inn was about half a cent in our money. In the metropolis and at the seaside it was, of course, much more. In Cicero's day a laborer lived on \$44 a year, as some authors tell us, and under Augustus the yearly maintenance of a slave was \$57.50, or a little more than ten cents a day. The fare of the rich was as sumptuous as the food of the poor was inferior. Thousands of dollars were spent on costly dishes, while flowers, perfumes, ointments and dress swallowed up millions every year. We learn from good authority that marble and bronze statuary was lavishly distributed through the houses and gardens of the wealthy and a genuine Scopas or Praxeteles sometimes brought as much as \$20,000 to \$30,000. For furniture, especially for the famous tables of citrus-wood, prices were given that can be scarcely paralleled for extravagance. \$40,000 to \$50,000 for a single table was no unusual price in Cicero's time, and the elder Pliny tells us that Seneca, the philosopher and stoic, had 500 of such tables. We often wondered whether furniture of this kind was left at Pompeii after the season was over.

Having learned something about the furniture and decorations of the wealthy Pompeiians, we are permitted (for a consideration) to enter one of their houses and get an idea of their inner life. These houses were very different from those of the present day, both in style of architecture as well as what we call "home comforts." The entrance hall, often paved with mosaic, was called the *ostium*. The four rooms in the front of the house we enter appear to have been shops entirely disconnected with the house. The *atrium* was the

inner court or hall, the sitting-room of the family, as our guide explained, and often in the houses of the humbler classes the kitchen. In the centre was the *impluvium*, or tank of water. Small rooms to the right and left of the *atrium* were called the *ala*, or wings. The *tridinium*, or dining-room, had couches on which the guests reclined and a central table. The family records or archives were kept in a recess or room called the *tablinum*, and the beautiful court, open to the sky and often surrounded by columns and statues, was the *peristylum*. In the centre was the *vividarium*, or garden, and the rooms for social purposes were the *exedra* and *oecus*.

Let us pass on to a larger house, which is in a bad state of preservation. The first thing that strikes our American eyes is the apparent disregard of the ancient Pompeians for anything like the ventilation in the living portions of the houses about which we are so solicitous in our own country. The principal rooms are on the ground floor. The richest inhabitants built their houses fronting on four streets, thus occupying the whole block. When it was desired to practice economy, they cut off some strips from this plot of ground, which they rented out for a goodly sum, and, like the first house we described, we sometimes find shops occupying the whole exterior of the house. With us the front is always reserved for the best rooms; in Pompeii we find that when not given up to business purposes it was closed by a thick wall in which there was no opening. The whole of the domestic part of the house, instead of looking toward the street, as with us, faced the interior. The entrance door, which was always strictly guarded, was the only means of communication with the outer world. There were few windows, and these were only on the upper floors. It was the aim of families to live in private far removed from the indifferent and the stranger. With us home belongs to a great extent to the public. Our friends visit us in our houses, and when they do not come, we like to see them through our spacious windows as they pass along the street. Not so with ancient private life in these parts—it was almost strict seclusion. The head of the house had no desire to look into the streets and he was still more averse to having passersby peer into his home. Distinctions and divisions prevailed even within his mansion. He would never receive his visitors in the same part of the house to which he retired with his family, and it was no easy matter to penetrate into this sanctuary, separated as it was from every other part by a corridor closed by doors and hangings and guarded by porters. The owner was not required to “receive” unless inclined to do so, and (our guide added) if perchance some troublesome creditor or collector, more obstinate than usual, persisted in lingering in the vestibule to pounce upon him on his way out, there was always a

posticum or back door opening upon a narrow street which permitted his escape.

The Pompeiian house would appear rather narrow to the people of our day, but it must be borne in mind that the inmates spent a large portion of their time away from home, under the porticos of the Forum or in the theatres and public gardens. We must also bear in mind that if the rooms were not large they were numerous. No Pompeiian used his house as he did his slaves. He had different rooms for each event of the day, just as he had servants for every necessity of life. Each room in his house was made precisely for the use of which it was intended. He was not satisfied, as we are, with a single dining-room—he had them of different sizes and for different seasons of the year. He had one room for his siesta and another to which he retired at night, both of which were very small, admitting light and air only through the door; but it must be remembered that in his climate coolness is promoted by darkness. Besides, he occupied these rooms only while asleep, for the rest of his home time was largely spent in his *atrium* or *peristylum*. He was here with his wife and children and with his slaves, for, notwithstanding his fondness for seclusion and isolation, he did not shun the company of his servants. His family embraced, while recognizing their inferiority, the slave and the freedman, so that the master felt that he was living among his own people. The open and closed *atria*, where the family was wont to spend much of its time, were absolutely necessary to furnish light for the rest of the dwelling. Consequently all persons, even the poorer classes, took pleasure in ornamenting them with taste and often with profusion. Where the space permitted shrubs were planted and flowers were cultivated. The literary and fashionable world sometimes sneer at these "enclosed gardens" of their less wealthy neighbors who could not afford the luxury of magnificent villas and stately trees and with vine arbors hanging from beautiful columns, but every one ornamented as best he could.

The Pompeiians took great care that their eyes should always rest on pleasant objects. Hence their houses were ornamented with beautiful mosaics, brilliant stuccos and incrustations of marble. The dazzling brightness of the white stones was always softened by agreeable tints—the walks were painted in gray and black, the columns tinted with yellow and red and along the cornices ran graceful Arabesques composed of interlacing flowers, among which at intervals were represented birds that never existed and landscapes the like of which have never been seen in nature. These whims of the imagination that were utterly meaningless had the merit at least of pleasing the eye without trying the mind too much. Occasionally we find on a large panel some mythological scene painted without

pretension and with bold strokes which recalled to the easily satisfied owner a masterpiece of antique art and enabled him to enjoy it through this souvenir. It sometimes happened that the petty householder was fortunate enough to possess a bronze imitation of some of the most beautiful works of the Greek sculptors, such as he had seen in the homes of his more wealthy neighbors—a dancing satyr, an athlete in combat, a god, a goddess, a performer in the cithara and the like—many of the originals of which we have seen and admired in the Museum of Naples. The Pompeiian had taste; he valued and comprehended the beauty of these works of art and he placed them in the *atrium* or *peristylum*, that he might enjoy the sight of them whenever he entered or went out of his dwelling.

It would be an endless task to attempt a detailed description of the various objects of interest that meet the eye of the connoisseur as he wanders through the streets of Pompeii. Nowhere in the world, perhaps, will he find as many “sermons in stones” as here. The furniture, objects of art and household utensils we have referred to reveal to us the former mansion and its history. There is not a single panel which, if closely examined, has not some story to tell. Here a pillar still retains the inscription scratched upon it by the idle Pompeiians; there a piece of wall on the street, set apart for posters, presents in large letters the announcement which ages ago gathered thousands of people to witness some grand public spectacle or proclaimed the candidature of some citizen who, like those of our own day, was anxious to serve his country in public office. An enthusiastic elector does not hesitate to avow: *Sabinum ædilem, Procul, fac et ille te faciet*. While the same promise might be made here in private, it would hardly be placarded in the public street.

As we wander through the Forum we come to what must have been the Merchants’ Exchange, where transactions took place in the portico or in the crypt. In the *chalcidicum*, or smaller exchange, may still be seen the niches that must have been the stands of the auctioneers.

On July 3, 1875, there was discovered in a wooden chest several hundred little wooden tablets. They were originally tied together in twos or threes by strings passing through holes, the interior faces of which were slightly hollowed and protected from rubbing by a border or frame, and were covered with wax, into which letters were cut with some sharp instrument. Most of these tablets refer to auctions held by Jocundus as broker and contain receipts made to the banker.

There are traces of factories and industries wanting in our won-

derful city. It was truly a beehive of artisans and mechanics. Bakers, tailors, potters, shoemakers, carpenters, smiths, dyers, tanners, masons, carvers and a host of others plied their trades and earned a modest living. The wonderful skill of many of these mechanics is known from the specimens of their art which have been preserved for us not only here in Pompeii, but also at Herculaneum. Nor is the idea of the subdivision of labor a thing of our day. If we take the tailor's art alone, we shall find, besides the tailoresses (*sarcinatrices*), the general tailors (*sartores*), shirtmakers (*indusiarii*), breastband makers (*stropharii*), menders and slave tailors (*centorarii*). Shoemakers were divided into six varieties, and even the sculptor restricted himself to but one branch of his art. Tradesmen who were not slaves have their guilds or trade unions, with corporate rights. Their aim was not only to protect the business interests of their members, but also to provide them with congenial amusements. We have no records of their influence in business life.

We have spoken of the shops and their peculiar signs. They formed quite a feature along the streets of that quaint old city. The shops all opened out upon the street, offering to the eye of the passerby a broad marble counter and leaving only a small space free to the right or left to allow the vender to pass in and out. In these counters were hollow cavities, in which grocers and wine dealers kept their merchandise. Behind the counters and along the walls were stone shelves, upon which their stock was stored. Festoons of fruits and vegetables swung from pillars, dry goods were displayed to the best advantage and customers made their purchases from the sidewalk.

Paintings and carvings, still visible upon some of the pillars and walls, tell us what was sold on the adjoining counter. A goat, in terra cotta, indicates a milk depot; a mill, turned by an ass, tells us where the miller was wont to grind his grain, while the wine merchant was represented by two men carrying an amphora between them suspended from a stick. The serpent, one of the symbols of Æsculapius, indicated the abode of the "lean and slippered apothecary," while the comparatively recent discovery of a wooden case containing a complete set of surgical instruments, many of which are similar to those in use at the present day, tell us how the ancient Pompeian, like the modern New Yorker, sought to alleviate the ills that flesh is heir to. This collection would lead us to believe that the ancients were quite skillful in surgery and had invented many instruments thought to be modern.

The painters of Pompeii and Herculaneum have very often reproduced the subject of the baker with his belongings. The most interesting of these is the one that represents the baker seated with his

loaves all around him. The loaves are round and marked off in sections of convenient size as required for table use. The loaves of bread made in Naples and Southern Italy to-day are the same in form and size. Some years ago eighty carbonized loaves were found very similar to those just mentioned. To make this market picture complete the artist has not forgotten the stubborn mule loaded with a pack-saddle that appeared to have been made quite recently. Another picture represents a group of men standing on a corner reading the *album* upon which are inscribed public laws and edicts; a little further on we see a group of bathers waiting to enter the public baths; they hold in their hands the *alabastron*, a small jar containing the perfumed oil with which their bodies are to be anointed after the bath. A little further on is a picture reproduced in some of our histories of education. It represents a pedagogue instructing a class. The "good boys" are seated on stools with their books on their laps, while the pedagogue is laying the rod on the back of the "bad boy," who is held by the hands and feet by two of his classmates. Another kindred piece of art represents a young man designing in *relievo* a statue in the Forum. He has not forgotten to include in his work the boys who are wrestling around the column nor the white-bearded, blind beggar led by his dog and receiving an alms from a lady passing by with her slave.

What strikes one in an especial manner is the fact that all the Pompeiians must have been engaged in some industry, either directly or through their freedmen or slaves, and we can appreciate the *naïve* exclamation of the citizen who had encrusted in mosaic in the slab over his door the inscription *Salve, Luvru*. Another slab not less familiar to modern eyes bears the warning, *Cave canem* (Beware of the dog). Our guide was always alert to point out these inscriptions and to translate them in a polite and joking manner so as to remove any suspicion on our part that he doubted our knowledge of Latin.

Among the hostleries we came upon one that had once been known as the Elephant. It was unearthed in 1861. It is situated near the residence of Siricus. The outer wall is decorated with the figure of an elephant, around which an enormous serpent is coiled. The elephant is led by what appears to have been a dwarf. An inscription tells us that Sittius either restored the painting or had it restored (*Sittius Restituit Elephantem*—notice that the "h" has been dropped from the last word). It is not clear whether Sittius was the proprietor of the inn or the painter; it is most likely, however, that he was the proprietor, as the painters of that day rarely signed their works. Another inscription informed travelers that this hos-

pitable inn was provided with all the comforts of home, including a dining-room with three beds in it: *Hospitium hic locavit triclinium cum tribus lectis et comm(odis)*". The interior of this house must have been very small and modest and without any decorations; only kitchen utensils, we are told, were found in the ruins.

We saw quite a number of fountains in different parts of the city, and from our reading we were led to believe that Pompeii was destitute of springs, being elevated above the river and receiving nothing in its cisterns but rainwater, so scantily shed beneath the relentless serenity of the southern sky. Our guide explained that the numberless conduits found, some of lead, others of masonry and earthenware, and, above all, the sporting fountains that leaped and sparkled in the courtyards of wealthy homes, have led to the supposition of the existence of an aqueduct, no longer visible, that must have supplied all parts of Campania with water. The fountains pointed out to us were very simple and seem to have consisted of large square basins, the water falling into them from fonts more or less ornamental and usually representing the muzzle of some animal, such as a lion's head, masks, an eagle holding a hare in its beak, with the stream flowing into a receptacle from the hare's mouth. This latter fountain has been described over and over again by tourists. One of the fountains we saw is surrounded by an iron railing to prevent the imprudent passerby from falling into it—a precaution entirely unnecessary, if we are to judge the old Pompeians by the unwashed appearance of many of the native passersby of to-day. The coping around these fountains must have been frequented just as much as they are in our day in all Italian cities as lounging places by the *lazzaroni*, as we have seen them in Naples around the beautiful Medina fountain. Our guide tells us that the "carbonized" remain of a donkey were unearthed near one of the fountains.

From the fountains we naturally turn to the *Thermæ*. We find that Pompeii, so far as excavations tell us, had two public bathing establishments; the most important of these, the Stabian baths, was very large and contained all sorts of apartments—siderooms, round and square basins, ovens for heating water, porticoes, etc., etc., without mentioning the space devoted to physical exercises (*palaestra*), where young Pompeians indulged in gymnastic exercises. This appears to have been a pretty complete water cure establishment. Pompeian *thermæ* were very much like those of Rome and other Italian cities, and have been described so often that we will not take up the reader's time with a description which may be found readily in other sources.

Before leaving the *Thermæ* our guide called our attention to a

"curious find" dug up among the ruins around the baths in the shape of a Berosian sun-dial, having an Oscan inscription stating that N. Antinius, son of Marius, the quæstor, had caused it to be executed by order of the decurions with funds obtained from public fines. Sun-dials were common in Pompeii and could be had in any shape and at any price. One was placed on an Ionic column of *cipollino* marble. These ancient timepieces were frequently offered by Roman Magistrates for the adornment of monuments, a fact that greatly displeased a certain parasite of whom Plautus tells us, and who expressed his indignation as follows: "May the gods exterminate the man who first invented the hours, who first placed a sun-dial in this city, the traitor who has cut the day to pieces for my ill luck. In childhood there was no other timepiece than the stomach, which is the best of all of them, the most accurate in giving notice, unless, indeed, there be nothing to eat. But nowadays, although the sideboard be full, nothing is served up until it shall please the sun. Thus, since the town has become full of sun-dials, you see nearly everybody crawling about half starved and emaciated."

Our ramble through ancient Pompeii did not fail to give us a glance at the education of that interesting people, and this, strangely enough, was gained when our guide, down on all fours, called our attention to marks along the lower part of some walls. By stooping a little we were able to discover alphabets scratched on the stone with sharp instruments by schoolboys. These alphabets were in triplicate; that is, in Oscan, Latin and Greek characters. If one were to measure mental culture by the large number of manuscripts found in Herculaneum and Pompeii he would be led to imagine that the inhabitants of the former city were very much given to letters, while the latter would appear to have been very illiterate, for while no less than 1,756 papyrus manuscripts were found in Herculaneum, not one was found in Pompeii, not even one of the bronze-bound boxes (*scribinium*) used for keeping the rolls of papyrus. The Pompeiians, however, could boast of a fairly broad education. They spoke and wrote Oscan, Latin and Greek, and Ennius used to boast that he had three tongues, because he could speak three languages. It is true that the Pompeiians, being mostly a commercial people, may have given their children an education of this kind merely for business purposes.

In describing the shops of Pompeii we neglected to call attention to that of the perfumer. From what we see here it must have been as great and as well patronized a resort as the department store in our great cities in our day. Even men were not above submitting to some of his wares, for when enjoying a daily bath in the thermæ

they were wont to go into the *elaethesium*, where they were anointed with oil and other perfumed unguents.

The toilet of the Pompeiian lady was a matter of great importance, at least to herself. To the lady of wealth it was an affair of state and frequently occupied the whole morning. Perfumes, oils, unguents of various kinds and baths in asses' milk played their respective parts. Did the ladies wear much jewelry? The Neapolitan Museum has a collection of objects of this kind, consisting of serpents bent into rings and bracelets, circlets of gold with cut stones, earrings representing sets of scales and clusters of pearls, threads of gold skillfully twisted into necklaces, chains from which are hung amulets of more or less questionable designs intended as charms to ward off disease and misfortunes; pins with exquisitely wrought heads, rich clasps for holding tunic sleeves or mantle folds, with cameos in superrelief; in fine, all that luxury could desire and art invent. These were worn in the hair, the ears, on the neck, on the shoulders, the arms, the wrists, legs and ankles, while every finger except the middle one was covered with rings to the third joint. The Latins had a discourteous word to designate this collection of precious knickknackery—they called it the "woman's world," as though it were indeed all that there was in the world for women.

The manner of receiving visitors was "classical," to say the least. The ordinary guests, the friends of the house, the clients and the *shadous* (such was the name applied to the supernumeraries, the humble drubbs whom the invited guests brought with them), awaited their hostess in the peristyle. *Nine* guests in all—the number of the Muses. It was forbidden to exceed that total at the suppers of the tricinium, where there were never more than nine nor less than *three*—the number of the Graces. Of course, there were more pretentious banquets; for instance, when a lord invited 6,000 Romans to his table, on which occasions couches were laid in the atrium; but these banquet were given in Rome, as there was not an atrium in Pompeii that could accommodate the hundredth part of that number.

The theatres of the Oscans were constructed very much after the fashion of those of the same period in other parts of Italy, and their general equipment is no doubt familiar to the reader, so that no detailed description will be necessary here. The Romans were not, indeed, without a sort of dramatic representation of the same nature with that which usually rises in an early period of society. The stages of the two theatres of Pompeii were the scenes of classical plays, gladiatorial exhibitions and the ever popular *Fabulae Atellanæ*, farces, for such they were, and which took their name from

Atella, a town belonging to the Osci, in Italy. These Fabulae Atellae were a species of satirical comedy exhibited at Rome after the subjugation of Campanias. They were performed by Roman youth who used to attack each other with satirical couplets during the intervals of some rude games, in which they seem to have represented characters of fabulous antiquity. The principal characters were Marcus, a fool with ass' ears; Bucco, a loquacious glutton; Peppus, an old simpleton, and Dossemus, a sharper. The comedy was originally of high repute, but was eventually suppressed by order of the Senate because of the indecencies introduced into it.

On entering the Pompeiian theatre a ticket of admission was necessary. This ticket (a *tessera*, or domino), of bone, earthenware or bronze—a sort of counter cut in almond shape, sometimes also in the form of a ring—indicated exactly the cavea, the corner, the tier and the seat for the person holding it. Tesserae of this kind have been found on which were Greek and Roman characters (showing that Greek would not have been understood without translation). Upon one of them is inscribed the name of Æschylus, in the genitive, and hence it has been inferred that his "Prometheus" or his "Persians" must have been played on the Pompeiian stage. Other customs are said to have announced the representation of a piece by Plautus—the *Cassinae*. This latter counter is questioned by some historians. On entering the theatre the ticket was handed to the *designator*, or *locarius*, who pointed out or conducted the visitor to his seat.

There are many other subjects we might refer to as we wander among the ruins of Pompeii. We might go more fully into our descriptions of the baths, the dwellings of the poor, the social life, the amusements, the sports of different kinds, the theatres, the temples dedicated to *Venus Physica* and to the Egyptian goddess Isis and to Neptune. We might dwell more at length upon the inscriptions which disclose to us all the subjects that engaged the attention of the inhabitants of Pompeii, not only their excitements, but their language, ancient and modern, collegiate and common—the Oscan, the Greek, the Latin and the local dialect. All these things are eloquently described in the paintings still visible on the walls of private dwellings and public buildings. We might dwell, too, upon the horrors of the eruption and describe the agony of the stricken people when they realized the destruction that Vesuvius was pouring out upon them—when nothing was heard save the voices of children calling for their parents, wives for their husbands, fathers for their families; seeking one another, recognizing one another only by their cries; invoking death, breaking out in wild anguish, and

all believing that an eternal night had come upon them in which gods and men alike were rushing headlong to annihilation. But all these things have been described much more vividly than we could do it; and our task has been to tell how Pompeiians lived, not how they died.

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RUDOLF EUCKEN.

IT WAS whilst taking a prolonged holiday on the Mendips last year. One of my companions, whom I may describe as a Nonconformist Liberal, begged of me to read a certain book on Eucken. I was assured that he was a new spiritual force in the world, and that at least in the ranks of Nonconformity he was bringing about a great revival of spiritual thought and spiritual life. I knew that he had lately been lecturing in America before one of the universities. I had read that Mr. Campbell was disappointed with his views upon the war. Several times I had talked with Nonconformist students who were enthusiastic about him. But from no one could I get to know what precisely was the new message that was quickening modern thought. No one seemed to be able to tell me anything further than that it was a renewal of the spiritual life.

There was nothing for it then but to go direct to his works and to various articles written about him by his disciples. So the following article will be an attempt to answer the question which I have asked in vain of quite a number of Eucken's admirers.

Rudolf Eucken was born in 1846, at Aurich, in Germany, not far from the North Sea coast. In that town he had for his school-master Wilhelm Reuter, a religious thinker who appears to have made a deep impression on his young disciple. From Aurich he went to the University of Göttingen. There he listened to the lectures of Lotze. He soon declared himself out of sympathy with his teacher, yet nevertheless accepted the central thesis of his teaching. This was a doctrine of "the whole man," a principle which seeks to minimize the function of the intellect under the supposition that it is with his whole being that a man seeks the truth. From Göttingen Eucken went to Berlin, where he came under the influence of Trendelburg. Through this teacher he received the impress of Aristotle and the Greeks.

Student days being over, he taught for a few years as master in a high school. Then, in 1871, he received his first university appointment, being made professor of philosophy at Bale. In 1874 he removed to the University of Jena. Here he has remained, still in the capacity of professor of philosophy, down to the present time. Thus he became the colleague of Ernst Haeckel, and thus the same university has enjoyed the possession at the same time of the most famous materialist and the most famous idealist of the day.

Whilst in Bale, Eucken distinguished himself as a student of Aristotle. When he came to Jena he began work on the history of philosophy, specializing rather in the early moderns of Germany. This, his earliest work, he has revised again and again, always, however, incorporating into it more of his own personal views. Now it appears as one of his most recent works, "Main Currents of Modern Thought," and may be taken as a summary of his own world-idea.

In 1888 he published "Die Einheit des Geisteslebens in Bewusstsein und Tat der Menschheit." It has not yet been translated into English. Its aim is to emphasize the unity of the spiritual life in the consciousness and action of mankind. Here at once we begin to detect that tendency to undervalue the power of intelligence under the cloak of preaching a doctrine of the whole man. Eucken rejects what he calls naturalism and intellectualism, and then proceeds to build up what he calls a doctrine of personal idealism. The note here sounded appears on nearly every page of his writings.

His next book has appeared in English under the title of "The Problem of Human Life." This was a return to the history of philosophy, being an attempt to show the worth of ancient philosophers to modern life. It is more subjective than objective, inasmuch as it persistently aims at an application of Eucken's idealism.

Henceforth Eucken devoted himself explicitly and almost exclusively to the application of idealist principles to religion. His subsequent works were "Der Kampf um einen geistigen Lebensinhalt" (1896, not translated); "The Truth of Religion" (1901, translated in 1912 by Dr. Tudor Jones); "Life's Basis and Life's Ideal" (1907, translated in 1911 by Alban Widgery); "Christianity and the New Idealism" (translated by Professor and Mrs. Boyce Gibson); "The Meaning and Value of Life" (1908); "The Life of the Spirit" (translated by F. L. Pogson); "Can We Still be Christians?" (1911, translated by Mrs. Boyce Gibson).

Recently he has given out two works explaining his epistemology, "Knowledge and Life" (translated by Dr. Tudor Jones) and "The Theory of Knowledge" (not yet translated). The former is a preparation for the latter.

Besides the above works by Eucken himself there is a large number of books and articles by his disciples. The dates show how very much he is a man of the moment. Indeed, so far as the English language is concerned he seems to be entering upon a new lease of life. New translations and new editions of his books are constantly being published.

Moreover, Eucken is said to be the living embodiment of his theories. He has an intense sympathy and strong personality. He is always seeking to be in touch with mankind. Yet over against this trait we must set the fact that the all-important subject of psychology is remarkably absent from his works. Also must we notice that he becomes quite irritable when the principles of idealism seem to clash with the principles of psychology.

Since Eucken makes idealism the basis of all his work, and since the word has several different meanings, we shall do well to have a clear notion of the various contents of the term.

Idealism is a system of philosophy which posits that we cannot know anything which is not an idea. Thus the chair on which I am sitting does not exist outside my mind; or, at least, I have no means of knowing that it does. The pen which I hold in my hand never really existed in the stationer's shop, nor did I really ever pay for it. I simply created it with my mind, even as I created the stationer's shop and the five shillings which I presume I paid for the pen. Whatever exists is but a mere product of mental activity. Everything, according to the theory of idealism, is idea.

Eucken's philosophy is frequently spoken of as "personal idealism." And since Eucken is also known as a religious thinker and leader, many people are apt to suppose that "personal idealism" indicates some system of high and noble ideals. It does not mean that. It does not mean merely the best in any given order, as when we say, "He was an ideal ruler" or "It was an ideal day."

Nor yet again does it mean some system of finalism. It does not mean merely that our life and conduct or the arrangement and movement of the universe are ordained according to a pre-conceived plan. In this sense the scholastic is an idealist. But at the same time the scholastic is also a realist.

Nor again does the idealism of which we now treat mean that created things have their original types (*causa exemplaris*) in ideas, whether in the mind of God or outside it.

No. Eucken's idealism is essentially that which was latent in Descartes (1596-1650), which developed through Berkeley and Hume, and which culminated in Kant (1724-1804). Eucken does not give an unconditional assent to Kant. But he is perfectly convinced of this, that the onslaught of Kant, Fichte and Hegel on

the older realism has established the fact that truth and reality exist in the subject rather than in the object, in the soul rather than in the world. To perceive is the same thing as to be a subject; to be perceived is the same thing as to be an object.

As regards his fundamental teaching then, Eucken has to be met on that common battle-ground which is gradually becoming more defined and more generally recognized alike by idealists and realists. This is the principle that the faculties of man, together with their respective objects, are essentially the same for all men.

In the next step, however, Eucken can not be treated as a strict idealist. In the ordinary course of discussion idealists and realists would agree that one of the primary facts of consciousness is the perception of a distinct dualism, of at least an apparent difference between the ego and the non-ego. But the idealist would deny the validity of this perception. Modern science, he tells us, all tends to show that the phenomena of light, heat and sound do not really exist outside us, nor even in our various senses, but only in the modifications of the brain. Moreover, he argues *a priori*, perception is a fact of consciousness and therefore internal. We cannot get the outside world, as it is in itself, into us; nor can we get out of ourselves. Consequently the outside thing, as it is in itself, is essentially unattainable. Thus man is quite shut up in himself. Philosophically we are landed right in the middle of subjectivism.

Eucken, however, does not follow the idealist so far in his very logical course. At the expense of being inconsistent with himself he comes down from his platform of strict idealism and enters, for the time being, into the arena of realism. When he has to deal with ethical problems, that is, when he comes into contact with human nature as he finds it, then he is professedly an enemy of solipsism. He holds to his idealism when he wants to fight against materialism, when he wants to preach a spiritual life over and above naturalism and when he wants to propound a monist universe. But he has to have recourse to a dualism whenever he wants to teach of man's struggle towards a higher life.

The manner in which he steals away from monism to dualism is curious. Man's deepest life, he says, is not merely human. It has a cosmic character. The individual life is in communication with the cosmic life. It receives certain realities and values from the cosmic life. This intercommunication of the individual with the cosmic life causes him to perceive the dualism within himself. It makes him recognize that his lonely self, his merely natural self, can never be satisfied. It must have communion with cosmic and spiritual life.

Thus the dualism is within the monism. It is at this point that we

again join issue with Professor Eucken and his disciples. We invite them to show that the dualism within the monism is not a contradiction in terms. We ask them to explain precisely the difference between monism and solipsism.

Inquiry further into the details of the new idealism, we find that the central concept is that of the Spiritual Life. This Spiritual Life is not the same thing as religion. Religion is but a species of it. Art and science are also species of the Spiritual Life.

What is not at all clear is whether this Spiritual Life is God or not. Idealistic principles hinder the philosopher from recognizing a clear distinction of subjects. Thus he seems to have grasped true Catholic doctrine when he writes:—"The infinite distance between the perfect spirit and wholly imperfect man does not prevent an intimate relation and a communication of the fulness of divine life. Such a communication from being to being gives rise to a new kind of life, a kingdom of love and faith, a transformation of existence into pure inwardness, a new world of spiritual goods."¹

But on the other hand he leaves us hopelessly confused as to his meaning when he writes: "The pathway which leads to the conception of God leads us at the same time to the content which the conception can have for us. It signifies to us nothing other than an Absolute Spiritual Life in its majestic superiority to all the limitations of man and the world of experience—a Spiritual Life that has attained to a complete subsistence in itself, and, at the same time, to an encompassing of all reality. . . .

"The idea of God signifies to us nothing other than an Absolute Spiritual Life—a Life freed from the limits and entanglements of our experience, a Life in possession of a complete existence for itself, and constituting the substance of reality. It is thus alone that the idea of God can possess a content, that the characteristics of the Spiritual Life can long for a purer formation, and that these characteristics, uniting among one another what appeared previously as merely external qualities, can now set these very qualities in the nature itself. Through such a turn from effects to causes, from surface to foundation, the unity of the total-life raises itself to a more complete clearness; the timelessness of all spiritual content leads to the idea of a Divine Order; the truthful and the worthwhile now desire a full union, and the good becomes the governing power of all life. *Thus the Spiritual Life, through such an ascent to the Absolute, reaches a full development of its own nature*, and, at the same time, obtains an incomparably greater power and superiority over against the merely human powers."²

¹ "The Problem of Life," p. 135.

² "The Truth of Religion," pp. 208 and 214. Italics are ours.

Here again we join issue and ask: Is this Spiritual Life something relative or something absolute? It cannot be both. Is it God Himself or is it the created grace of God? It cannot be both.

Let us, however, take the more intelligible interpretation and suppose that, as Eucken says in another place, "all genuine Spiritual Life is the effect of a Higher Power."³ Even then it is a reality which transcends man, and which is not wholly assimilated by him. And once again we join issue, for we have arrived at the crux of nearly all Eucken's critics, sympathetic and unsympathetic, orthodox and unorthodox. How is man to appropriate this Spiritual Life? If this Spiritual Life is to be a guide to the natural life, how shall we know what it intends us to do? Where shall we look for a norm of conduct? Who shall interpret the Spiritual Life for us?

The difficulty is all the greater because no clear definition is given of the Spiritual Life. It is offered to us as a sort of intuition or first principle. We know of its existence, so we are told, first because life is meaningless without it, and secondly because when we assent to it, uplifts us. "The corner-stone of all philosophical thought and the axiom of axioms is the fact of a world-embracing Spiritual Life."

Now if this huge complexity is axiomatic, then the intelligence must have a comparatively small role to play in the working out of man's destiny. Hence we find that Eucken has much in common with the modernists who undervalue the intellect. He has maimed the intellect with his idealism, denying it the power to perceive reality. He therefore falls back on that vague entity, the Spiritual Life. He does not feel called upon to give an intelligible account of it. The intellect is only a portion of life. Therefore the Spiritual Life cannot be explained by any intellectual process, because the intellectual process depends for its validity on being in harmony with the parent energy.

The principle by which man does battle with the natural in order to enter into the Spiritual Life is that known as *Activism*. This principle, so we are told, differentiates the system from pantheism, inasmuch as it substitutes individual activity for a calm unfolding of the spirit. "The whole develops through the agency of the anti-thesis of subject and object, of power and resistance, but it remains superior to it, and holds both sides together even while they are divided."⁴

This would seem to look like pragmatism. Eucken, however, differs from the pragmatists in this, that he holds truth to be absolute and unchanging. Man knows the truth in proportion as he

³ "The Truth of Religion," p. 10.

⁴ "Main Currents," p. 58.

rises above the natural life and participates in the spiritual life. Truth is not an equation between the mind and the thing, for the mind cannot know the thing. It is something more fluid, for it lies in the spiritual life, which can never be fully known by man. We can progress in truth, but we can never grasp it.

Once again there is confusion. This time it is a confusion of objective truth with subjective truth. And the result is a medley of pragmatism, realism and idealism. Eucken wants the individual to work out his own salvation, yet begins by casting individuality into the melting-pot. Instead of making intellect the guide of life, he chooses instead the life-process itself. So keen is he on the visional value of this life-force that he rejects Hegel, who would see in pure thought the only reality. "All real knowledge," he says, "involves a spiritual creation, an advance, and a self-formation of life as a whole."

Here and there, however, he stumbles across a right form of words in which he allows the intellect to perform its own proper function, and to act according to its own proper nature, as an integral part of the whole human vital process. Thus: "Intellectual work itself does not become positive and productive until it becomes an integral portion of *an inclusive spiritual life*, both receiving from that life and contributing to its advancement, until it is guided by the resultant drift of great spiritual organizations and impelled by the energies which originate from these sources."⁵

In any case there are only two alternative ways of coming out of the confusion caused by the attempt to be at the same time both an idealist and a realist, both a monist and a dualist. Either we follow the natural reason and the revealed word of God, in which case we are on the old-fashioned track; or we follow the blind groping of sense, in which case we are on the new-fashioned track. And if we are on the new-fashioned track our task is not made any the easier by cloaking our sense impulses with such terms as activism and "spiritual life."

I have insisted on the vagueness of Eucken's phraseology. Consequently the judgment here offered cannot amount to more than an opinion, albeit an opinion fairly well documented. It may be further confirmed by an examination of the practical effects which follow from the idealistic teaching.

First, the old objective norms of conduct disappear whilst merely subjective impulse or animal instinct takes their place. The Spiritual Life, for instance, sets to work to distinguish what is eternal and what is transient in Christianity. It finds, for example, that the Divinity of Christ can no longer be held.

⁵ "Main Currents," p. 85.

"And if we have thus to protest against the position accorded to Jesus by the traditional form of Christianity, so that we have to part company with a Christocentric configuration on account of the breach with the old mode of thinking, yet we cling to an essential content and a metaphysical depth in the human image of Jesus, and seek in this the sole standard of the religious life. One had good ground for doing this so long as Jesus Christ in his humanity was considered as very God, as the second person in the Trinity. But where this belief has been abandoned, the exclusive linking of life to Jesus becomes an inadmissible contraction and diminution of religion. . . . The Christianity which occupies itself solely with Jesus, and which to many to-day seems an exit from all entanglements, is not yet a match for the mighty problems, and does not carry within itself the energy to overcome the world."⁶

When Our Lord has been set aside, the next step is to set aside the Church and the whole sacramental system. The following passage, typical of Eucken's teaching, serves to show the connection between idealistic philosophy and some of the chief errors of modernistic religion, of which Eucken was a fruitful source:

"The Spiritual Life has, upon the ground of modern times, succeeded in obtaining an independence over against sensuous existence in all its forms. It has succeeded in obtaining this through a more energetic excitation and exertion of self-activity—an activity which does not tolerate a passive immersion of man into the environment, but which precedes and measures the material that is presented to it from without, and even weaves the meaning of the fundamental construction of the world from within. On account of this, the sensuous is no longer able to remain an essentially integral part of the mental construction. Sensuous nature extends to the domain of religion: we find this first in the senile character of waning antiquity as well as in the simple-minded way in which the middle ages made the sensuous an essential part of religion. But to the greater activity of awakened modern times such a mixing of external signs with the inner life has become something magical and an intolerable hindrance to freedom. This mingling of the sensuous and the spiritual is represented in the main by Roman Catholicism, and it is largely to this that the strength of Catholicism in former times was due; but since the initiation of the movement towards greater self-activity and purer spirituality of humanity, the situation suitable to former times has given way to an inward and higher stage of life."⁷

With relentless logic Eucken pushes his principles against the old-fashioned Protestantism also. "But Protestantism also," he

⁶ "The Truth of Religion," pp. 566 and 567.

says, "which has protested against the magic of Catholicism, has by no means excluded it; it holds a sensuous miracle in high estimation; it preserves a sacramental mode in all its tendencies, and this shows itself in its doctrine of salvation through the 'blood' of Christ. The sacraments are products of an age of deep weariness and spiritual twilight. . . . The fresher life of modern times has scattered this twilight and has reduced an alleged piety to magic."⁷

Obviously then the fundamental apologetic to be applied to Eucken's teaching is a criticism of his idealistic prepossessions. The day has gone by when the idealist could be disposed of with the argument "Drop a brick on his head." That begs the whole question. From the very nature of the case no direct argument can be used, for it is the middle term of the syllogism which is in question.

There are, however, indirect arguments, and there is, as we have already seen, a common battle-ground. Both sides admit that the faculties of man, together with their respective objects, **are essentially** the same for all men. Moreover, there is this advantage in dealing with Eucken as distinguished from the older idealists: he admits that the dualism which is perceived in consciousness is a real one, that there is a real difference between the ego and the non-ego. This admission can easily be pushed as an *argumentum ad hominem* to destroy his idealistic foundations.

First, then, the very validity of the thought process depends upon the admitted reality of the dualism which is present to consciousness. If the mind is deceived when it thinks it knows of an objective or material world, why may it not also be deceived when it thinks it knows only an ideal world?

Secondly, our consciousness announces to us two distinct entities which are necessary for our knowledge, namely, the person who knows and the thing which is known. But if, as Eucken seems to declare, this dualism is so wrapped up in monism that the person who knows is identified with the thing which is known, then there is no need for him to attempt to acquire any knowledge at all. He himself, under the supposition, is all knowledge. And if he is identified with all knowledge, what is the use of the thought process?

Thirdly—and this must be urged with all emphasis against Eucken considered as a religious teacher—the idealism which he makes the basis of his teaching is subversive of all true religion. Religion, by universal consent and practice, is the bond which reunites man to God. But if all is idea and if there is no distinction

⁷ "The Truth of Religion," pp. 542 and 543.

⁸ "The Truth of Religion," pp. 543 and 544.

of subject, then there is an end to all relationship of creature to Creator. And indeed Eucken has the consistency to go very far towards the admission of this. For instance, he has no room in his system for either adoration or prayer. But surely the whole world-long history of religion is but a record of the various forms of adoration and prayer. Eucken's neglect of psychology has led him to mistake the real nature of man, a being essentially composed of spirit and body. Eucken's mistake as to the real nature of man has led him to mistake the real nature of religion, namely, something sacramental, something essentially composed of the spiritual and the material.

We conclude then that the new religious movement associated with Eucken's name is but a swing of the pendulum, a reaction from one extreme to another. Doubtless it is carrying with it many souls which had once been almost petrified in gross materialism. Our interest in the movement is therefore a pastoral one, a hope of meeting a wandering sheep and of leading it towards the safe middle way.

As for ourselves Eucken has no significance whatever. We have nothing to learn from him. The goodness which we admit to be in **his teaching** is already possessed by us, but in a much more intelligible and spiritually forceful way. Compare the quotations on the Spiritual Life which we have set forth in this article with the teaching of the catechism. "God is the supreme Spirit, who alone exists of Himself, and is infinite in all perfections. . . . God is called Creator of heaven and earth because He made heaven and earth, and all things, out of nothing by His word. . . . God made me to know Him, love Him and serve Him in this world, and to be happy with Him for ever in the next."

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THE MEDIÆVAL FURNISHING OF AN ENGLISH CHURCH

TO THOSE who are interested in as well as reverence all that appertains to God's house this book¹ will always be extremely fascinating; besides the fact that from its source these pages are almost entirely drawn, it is to its author that this writer is greatly indebted.

We all know that the great object to which every eye turned as a matter of course in the mediæval Church was the altar; it was the very integral part of the worship, the actual essential, harking back to the earliest Christian worship, when the faithful used always to turn to the burial places of the martyrs—for they had changed the slabs into altars, the Holy Sacrifice being offered upon them. Those who visit the Catacombs in Rome and read the symbols written upon them, see this for themselves. The first ministers of the Christian worship celebrated the mysteries of our faith in the time of persecution,² "in the midst of these venerable symbols," upon a large slab of marble which completely covered the sarcophagus of the martyr.

It has been for so long ruled by Church discipline that altars are to be of stone, consecrated by a Bishop, that we find but few spoken of in wills of ancient days as being made of wood, though those were used in the first four or five centuries, being even found at the end of the eleventh century. In the well-known homily of Ælfric—twelfth century—he speaks of "Godes borde," and "Godes table"; in the "*Vertue of the Masse*," by Lydgate, he writes of the "altar called God's board."

It was in the eleventh century that all altars were ordered to be made of stone. St. Wulstan having destroyed many wooden altars through his diocese, caused others of stone to be constructed and consecrated. The exact symbolism of the altar is that it is significant of our Lord Jesus Christ. "They drank of the spiritual rock which followed them, and the rock was Christ," as St. Paul says in his first Epistle to the Corinthians. The altar is the body of Christ, so says Venerable Bede, or else, "or all the saints in whom a divine fire ever burnt, combining all that is flesh."

The great majority of all altars is, as I have said, of stone and very plain. A beveled slab of freestone or marble, marked with five crosses, was in England generally supported on a stone pedestal which had been built up. Less common was it resting on four or

¹ "English Church Furniture," by Charles Cox and Alfred Harvey.

² D'Agincourt, Vol. II., p. 86.

five legs, while in the case of small altars, a bracket, one or more was used as support; instance, the Lady Chapels of Shotteswell, Warmington, Warwick and others, while at Yorks a little altar is seen resting upon a window sill, and needless to say that relics were enclosed in the mensa, or, as in the case of very numerous relics, "embedded in the substance of the altar itself." Super-altars which belonged to very important churches were most likely used at festivals on the high altar already consecrated for the purpose of dignity and increased reverence, these being generally made of costly stone or set in valuable metal and jeweled. In the sixteenth century there was a precious super-altar of jasper set in copper-gilt and two super-altars of red marble adorned with silver.

As you go up and down England you will remark on altar slabs being found in the pavings of churches, in some cases on the very site of the stone altar, the incised crosses being more or less visible.

With the reign of Elizabeth came the desire to sweep away stone altars, substituting wooden tables; this injunction being not in the shape of an order, many of the former remained in the chapels royal as well as in many of the Cathedrals. Where the churches were not under Puritanical influence, altar tables were carved in really very beautiful workmanship in Elizabeth's reign, having legs with rich work on the bultons bosses, the rails uniting them to the base, also having much ornament in sculpture.

When chancel screens were of universal use altar rails were not needed. Most probably kneeling benches for the use of aged or infirm communicants at the time of Mass were placed, on them being the houseling cloth, as will still be seen in Wimborne, Dorset, rails being only found where rood screens or their gates had been removed.

The reredos, which arrests one's attention, is of comparatively late date, the earliest existing in England being the wall paintings on the west faces of the piers at St. Alban's, which are of the Norman period, besides two stone reliefs at Chichester, of the same date. Nearly all the existent altar screens are of late fourteenth century date. The reredos, or altar screen, is placed behind the altar when there is no hanging of drapery, paintings on wall or panel, this being carried out in stone, alabaster, wood or other material—wood being less used than the others named.

Mr. Cox tells us, "The panel painted Norwich reredos, c.1380, is of remarkable interest as of undoubted English workmanship, it being 8 feet 6 and one-half inches long by 2 feet ten and one-half inches in length. It was found in the Cathedral Church in 1850, having been long in use, in a reversed position, as a table-top. The paintings represent five scenes in the life of Our Lord, namely: the

Scouraging, the Carrying of the Cross, the Crucifixion, the Resurrection and the Ascension, with raised ground of gessa work. The frame is decorated with some banners of the possible donors or in commemoration of some more substantial offering made by them. The banners include those of Bishop Henry, the Dispenser, Stephen Hales, Sir Thomas Morieux and others who were concerned in suppressing the great insurrection of 1381. It is not unreasonable to suppose that the reredos was a thank offering. There is a facsimile of this in the Victoria and Albert Museum."

In England the reredos is not often seen. At Worstead, Norfolk, are seen two large pedestals for images. A shelf is sometimes found behind the altar, as over the chantry altar at the tomb of Henry VII. in his chapel at Westminster, but otherwise there is no special peculiarity about this part of the church worth naming.

It was in the mind of the Church to have all connected with the worship of God as rich and costly as means would allow, old inventories clearly showing how opulent were cathedrals and the larger parish churches, both in the number and quality of all that was used in this respect. At the time of the Reformation no church was so poor, says Mr. Cox, as not to possess at least one chalice and paten of silver or silver-gilt, with a seemly provision of other instrumenta. Quite apart from royal confiscations, the Reformation was the indirect means of the loss of very much church plate. Vicars and wardens sold a great deal to pay for repairs, while others sold to make money for themselves.

Chalices have been made of glass when that material was rare, those of wood only till the ninth century, when it, as well as tin, glass or copper were forbidden; in the thirteenth century tin or pewter were not allowed. To the fact that at a burial of a priest a chalice was interred with him accounts for the sepulchral or coffin chalices "preserved and now seen, these being made of tatten or pewter, though in the dignatories the sacramental chalice was sometimes used."

Paten, a small flat circular shallow dish, always accompanied the chalice, belonging to the latter and of the same material, the workmanship being the same, intended to form the cover—all having a central design, either the "*Agnus Dei*" or "*Marius Dei*," the depression being circular quatrefoil, but very rarely octofoil.

It is very sad to reflect how seriously altar plate suffered at the time of the Reformation. Termed by the Crown "monuments of superstition," it was by it embezzled or seized, and in the earlier part of the reign of Edward VI. it decreed that:—"Forasmuch as the King's Masjestie had neede presently of a Masse of mooney therefore commissions should be addressed into all shires of Eng-

lande to take into the Kinges hands such church plate as henceforth to be employed unto His Highness's use," and as Mr. Cox adds: "This commission swept everything, save a chalice and paten, bells, a surplice or two into the royal coffers; and where Puritanism was rampant even the old mediæval chalice, with all its beauty, was melted down to make the unsightly Edwardian cup." Only seventeen have been traced as belonging to this time.

In mediæval days—both early and late—prayers for the souls of the departed donors were asked for on altar plate. The spoliation of plate is seen in the fact that only four examples of pre-Reformation plate thus inscribed are left in English churches. Of special inscriptions on vessels no longer extant it is recorded that, amongst others, at Lincoln Minster was a chalice which William of Wykeham had given to that church, on it being inscribed: "*Memoriale donimi Wilhelm Kikehm.*" besides one which, in 1498, Anne, Lady Serope of Harling, left in legacy "To the priory of Chacombe a chalis of iiij," and my husbandes name Robert and myn upon the foote, for a remembrance to pray for us."

The pyx, as a receptacle for the reservation of the most holy Sacrament, has in England varied as to shape, material as well as place a location, a box of metal, wood, or ivory being suspended in front of the altar or placed in a receptacle usually called the tabernacle, sometimes, indeed, only the canopy. The directions for the shape of the tabernacle inform us that it may be square, hexagonal, heptagonal or any other suitable form, that it must be crowned with any "profane devices," or be made so that any but its sacred purpose should be intended; that a cross should surmount the top, and, if possible, its exterior should be finished with gold. "As wood is less likely to contract dampness than any other material, it is advisable to have the tabernacle made of it, but if made of marble, metal or any kind of stone, its inside at least should be lined with wood, out of reverence to the Blessed Sacrament. No matter what its material be, the interior must always be covered over with silk, and a clean corporal must lie under the vessel in which the Blessed Sacrament is enclosed. The crane or pulley, so arranged over the altar to allow of the pyx being raised or lowered easily, has obtained in France as well as in England. The pyx canopy was the object for much decoration, making it in all ways very beautiful, as evidenced by pre-Reformation wills. In 1500 a bequest to the Suffolk church of Walberswick was as follows: "A canope over the hygh awter welle done with our Lady and iiij aungelys and the Holy Ghost (i. e., the dove) goyng upp and down with a cheque." Faversham church, in Kent, in the sixteenth century owned a canopy for the Sacrament of "crymson sarsenett, with

kuoppis of golde and tacellys of sylke," and the following is found in a number of bequests in Northamptonshire: "To mendynge the canopye and Blessed Sacrament of the aulter, xiid." (Holcot), "towards the maintenance of a canopye over the hie aulter, iiikd" (Daventry), "To the Sacrament of the aulter to by a canopye xs" (Great Billing), etc., etc.

Repairs of the pyx pulley and the pyx rope occur in the records of St. Mary-at-hill, besides that of the pyx plum, which formed the counterpoise to the suspended pyx, while in several churches a rude kind of lever balance of wood is to be seen, as well as rude pulleys in the apex of the nave roof just in front of the chancel arch, these latter not being sacrament pulleys, but served for the suspension of lights before the rood—Rowell lights, as they are called. In the churchwardens' accounts of St. Mary-at-Hill is an entry, 1529-3, of the payment of 2d. for "washyng and starchyng of the pix clothe," which was a cloth of white linen or lawn, the central hole of which was for the passage of the chain and ring. A very interesting survival of a pyx cloth is kept in the church of Hessett, in Suffolk. This has a colored silk fringe, with a gilt wooden ball and tassel of silk, etc. More common in France is the pyx in the form of a dove—in many cases made of gold or silver, richly ornamented. Bishop Cautilupe, of Worcester, in 1240, ordered that the Blessed Sacrament should be reserved in a pyx of Limoges enamel "*de opere Lenovidico*," and each pyx was always provided with a single lock and key, being one of the three articles of church furniture always to be kept locked—the pyx, the chrismatory and the font.

Cruets and flagons—pewter, lead, or tin—were the materials of which in the fifteenth and sixteenth centuries cruets were made in the smaller parish churches, very seldom of glass in mediæval times, while in important churches they were of gold or silver, always in those days of a small size.

A spoon has been used in the Greek Church since the tenth century for administering the elements to the laity, but Dr. Rock says the only spoon used by the Catholic Church for Eucharistic purpose was only for spilling a few drops of water into the chalice before the act of consecration.

The pax, or osculatorium, was introduced into England by Archbishop Walter, of York, in 1250 A. D. It took the form of a plate, round or oblong, made of a precious metal—ivory, brass or other, on its face being engraved a representation of the Crucifixion, Agnus Dei, Virgin and Child, etc., and for convenience of passing, a handle was placed at the back, the size being usually five and one-half inches by three inches. It was used instead of the "ceremonial

kiss of mutual salutation and affection" at the celebration of Mass, kissed by the celebrant after the *Agnus Dei*, was then offered by the server or parish clerk to those in the choir, and then in order to the congregation.

Incense vessels of mediæval origin are often formed of bronze, though many churches used to have these vessels made of silver or silver gilt.

A very rare class of *instrumenta ecclesiastica* are chrismatories, at one time found in all parish churches of England, being the receptacles for the three holy oils which are blessed on Maunday Thursday, viz., the *oleum infirmorum* for the sick, the *oleum sanctum*, or *oleum catechum errorum*, used at baptism and for several other purposes, and the *chrism*, or balm, used in confirmation, ordination and other consecrations.

It proves how much many of these things had fallen into disuse when we read of a chrismatory found in St. Martin's Church, Canterbury, exhibited before the British Archæological Association in 1844 being taken for an inkstand!

A cross was not essentially an ornament for the altars of mediæval churches, though it was not infrequently found on them. In later times it was always a crucifix, and in the more important churches was often of gold, with rich jewels. The cross that the parishioners were always bound to provide was for processional use, and when fitted with a foot, served for the altar as well. In the wardens' accounts of St. Mary-at-Hill, an entry in 1840 is found for "mending of the crosse that is borne aboute every day." Some five or six of these mediæval crosses for processional use, of English workmanship, are still to be seen, while not a single altar cross remains.

Crozier and mitres are often found enumerated under the heading church plate, and are best studied on the monuments of ecclesiastical dignitaries. Of the three fine English examples extant, the very earliest discovered in a stone coffin at Wells is Romanesque in character, belonging apparently to the end of the twelfth century. Adorned with turquoises besides other good though not precious stones, it has a pretty curve, in the hollow of which is a statuette of St. Michael treading down the dragon; the shaft, which was wooden, has completely perished. Bronze, copper, silver, gilt, ivory and jet are all materials used for crozier heads.

A mitre was formerly of some textile fabric until the thirteenth century, when Bishops and abbots had mitres made of gold or silver plates adorned with pearls and jewels.

In mediæval times donors had sometimes, but not often, their arms engraved on church plate. We read: "By the will of Sir John Foxley, 1378, he left a chalice to his parish church, *cum armis meis.*"

Lady Margaret Hungerford, who died in 1477, left two pairs of silver-gilt candlesticks to her charity chapel in Salisbury Cathedral, which bore her quartered arms. In the inventory of the jewel house of Henry VIII. is found "Item a chalice, with the prince's arms on paten," and other instances might be recorded.

Valuable church plate not infrequently had embossed or stamped leather cases, some few of which are existing in these days, among the most interesting of which is the mitre case called *cuir-bouilli*, or boiled leather, of William of Wykeham, 1367-1404, preserved at New College, Oxford. *Fleur-de-lys* are stamped upon it, and it is bound with iron straps, but only a few small pieces of its jeweled contents are still existant.

It is strange to find that pewter was used in the middle ages, more especially for cruets, flagons or plates, but never for the chalice or paten, though after the so-called Reformation pewter was and is used for chalices and flagons, while in the Diocese of Hereford there are three parish churches where chalices and patens for the communion service are made of pewter.

The water drain usually placed near the altar is usually called the piscina, being a shallow basin made of stone, the hole in the bottom serving to carry off the water into the ground. Pope Leo IV. in the fourteenth century gave orders that this should always be found in the building of a church, in which the vessels, as well as the priest's hands, were to be washed after Mass. In the thirteenth century before the Canon of the Mass, but in the fourteenth century the priest was directed to drink the ablutions. In the floor near the altars of English conventual churches piscinæ or drains have been found as well as at the Cistercian abbeys of Rievaulx, Furness, Fountains, the ruins of the churches of the Austin house of Kirkham, etc., and Mr. John Hope gives it as his opinion that these floor drains were also common in parish churches at an early date, but afterwards disappeared through constant repaving. It is supposed that these floor piscinæ were for the purpose of pouring out a little of the contents of the altar cruets before using them, with the intention of removing any possible dust or impurity. Durandus gives a symbolical turn to this custom by explaining that it was done to typify that the blood and water from the side of Christ flowed out upon the ground.

Norman piscinas are very uncommon. They vary in kind; a shaft sometimes projecting from the wall carried off the drain, the capital being ornamented much or little. In the ruins of Kirkstall Abbey, Leeds, as many as seven are found in the great conventual church. In the thirteenth century a stone shelf was often found over the piscina drain, intended for the placing on it the cruets and possibly

the ciborium used at Mass, this being the beginning of what later on was termed the "credence table," being not infrequently of wood.

Three stone seats or recessed stalls with a canopy are sometimes found near the altar in the south chancel wall, this being much more usual in England than on the Continent, being intended for the use of the priest, deacon and sub-deacon at High Mass. Of these, many varied examples are to be seen. In the earlier sedliæ the seats are graduated in height, the one for the priest being nearest the east. In Mr. Prior's book on Gothic art he speaks of the "lordly graces of the cathedral as it were," found in the beautiful fourteenth century tracery and lead carving seen in some of the specimens of sedilia in England, and in Parker's "Glossary" are many illustrated instances.

The Easter Sepulchre, found in every church, was a movable chest or small receptacle known as the Holy Sepulchre or Easter Sepulchre, in which on Maunday Thursday was deposited a consecrated wafer, shut up in a pyx together with a cross. Placed on the north side of the chancel, it used to be watched until an early hour on Easter Sunday, when it was removed and put upon the altar. The actual receptacle was usually made of wood; sometimes a temporary structure of the same material, adorned with hangings, supported the sepulchre. Many of the permanent structural recesses now remain, and are always known as Easter Sepulchres, but these do not date before the thirteenth century, and are usually found on the north side of the chancel. The loveliest of these, though not the most ornate, is that at Lincoln Cathedral.

We read that in several cases extracted from wills that an enriched tomb on the north side of the chancel was especially designed for the twofold purpose. Thus Thomas Fiennes, Lord Dacre, directed that his tomb should be prepared on the north side of Hurstmonceaux chapel, "to be there made for the placing of the Sepulchre of our Lord, with all fitting furniture thereto, in honor of the most Blessed Sacrament."

In West Somerset another form of Easter Sepulchre obtained, this being in the form of a chest tomb, panel work occurring on the front and west end, these generally bearing symbols of the Passion. Those of the fifteenth century stood at one end of the chancel, the unsculptured end against the wall.

In the middle ages a desk or lectern, from which the Gospel was read, harks back to the ambones of ancient churches, such as that of the San Clemente, Rome, and others, the simple desk being in England the earlier form.

There is a brass lecturn at Oxburgh, Norfolk, on which is in-

scribed, "*Orate pro anima Thome kypping quondam pectoris de Narburgh.*"

In the "Victorian History of Northants" Mr. Peers describes the remains of an early lecturn:—"The lecturn is a rare and interesting example of the first half of the fourteenth century. The old revolving desk is unfortunately lost, but the wooden stem, composed of light slender filleted shafts with moulded capital and base, is in fairly good condition, and stands on an original moulded stone base, an octagon set diagonally on a square. Traces of red paint remain on the wood."

Part of the furniture of a church in the middle ages was most assuredly the screen and rood loft. The examples now surviving are infinitely more beautiful as well as numerous than they are in other lands. One partition was always screened off from the western part of the church, more especially belonging to the congregation, and a curtain or veil usually closed it off in the simple churches of the earlier Saxon days. The Lenten veil was of very general use in English churches of mediæval days, the high altar and its surroundings being completely shut off by a great curtain or sheet of stained (painted) linen or other material during the whole of the forty days." This was just a continuation of the custom of early days for the mysterious shrouding of the Sacramental Presence throughout the year, the usage that had at one time occurred only at that special season being now relegated to the time of special solemnity.

Soon after King Alfred triumphed over the Danes in 878, he commanded that a fine of one hundred and twenty shillings should be paid by the offender who should tear down the Lenten veil. As time went on, the more open view prevailed in England, the desire being to gain a better sight of the chief altar, from hence originating the triple chancel arches or a piercing of the western wall in several places. One of the walls pierced in this way is seen in the Norman village church of N. Y. Yorks, where, facing the nave occur two cesses pierced at the back by small square squints.

To enumerate the various kinds of chancel screens and roof lofts would be beyond my province, or to decide the precise date when the huge crucifix was placed at the entrance to the chancel. That, however, is believed to have been introduced in the thirteenth century, though probably occurring at an earlier date before then.

"Of all dates," says Mr. Cox, "is the screen formed of a plain wall, ten to fifteen feet in height, pierced by one central or two lateral doorways, the former at Malmesbury, the latter at Box-

grove, Croyland and Waltham. This was an occasional Cistercian method.

The finest example is Priot d'Estria's beautiful screen at Canterbury. Here his actual choir screen, pierced by a central doorway, is now concealed by a later addition, but the lateral portions remain unaltered. This screen is fourteen feet in height, and is quite plain and solid for about ten feet, forming a backing for the stalls; above there is a graceful open arcade of fourteenth century tracery. The date of this screen is 1307.

"The structural screen more often, however, took the form of a more or less large mass of masonry of considerable depth, pierced by a central vaulted passage (exceptionally, two lateral, as at St. Albans) and supporting a gallery of some size to which access was obtained by a staircase within the screen. To screens of this form the name *pulpitum* was applied, and they are sometimes also called *jubes*, from the first word of the sentence '*Jube Domine benedicere*,' 'Sir, give me a blessing,' as benedictions were sometimes pronounced from this elevation."

Access to the rood-loft in ancient days was necessary for cleansing and lighting, besides the reading of the Gospel—but the latter use is rare, though archæologists have proved the existence of altars on the *pulpitum* in several cathedral or minster churches. In the case of the Cathedral Church of Lichfield an interesting application was made about the close of the fifteenth century for a dispensation to move an altar of some celebrity from the loft to the ground floor, "because there was some danger of a fall for both celebrant and worshippers if old and infirm." A rood-loft altar in the parish church of Grantham is recorded in 1340. It tells of a covenant made by the Abbot of Vaudry to pay £4 yearly in three equal portions to three perpetual secular chaplains to say Mass daily at different hours and different altars for the souls of two rich wool staplers, benefactors of the abbey. The first of these refers to John Moire and his successors, who were to celebrate at the altar in *solaro*, that is, the rood-loft gallery, before the great rood in the midst of the church after the first stroke of the bell called "day belle," which seems to have first rung at 4 A. M.

From a very early date pulpits were used in monasteries, but not until the fourteenth century have they been traced to English churches, where all those existing belong to the perpendicular period, and are always made of stone or wood, though on the Continent and in earlier days in England metal was employed. The following is from the "*Rites of Durham*": "Adjoynings unto the lower parte of the great Wyndow in the weste end of the gallerie, was a faire iron Pulpitt with barres of iron for one to hould them

by going up the stepes unto the pulpitt, where one of the Mouncks did cume every holyday and Sunday to preach, at one of the clock in the afternoon."

Fine grained stone, which is white and easily worked, is that usually employed, and for shape, the best examples are polygonal, often attached to a pier, with faces adorned with tracery. Some are like refectory pulpits, projecting from a niche in the wall, which contained in its thickness the staircase by which they are entered, while pre-Reformation wooden pulpits are usually hexagonal or octagonal, having paneled sides and supported by a slender staff with miniature buttresses and paneling. This we learn from Mr. Cox's researches, which are as exhaustive as they are accurate.

According to this antiquarian, hour-glass stands did exist in mediæval times, for he says: "In *'Allen's History of Lambeth'* it is stated that a new pulpit was placed in the parish church in 1522, and in it was fixed an hour-glass. In the churchwardens' accounts of this parish there are two entries of later date respecting this hour-glass."

Those who desire to study the question of "*Baptism and Christian Archæology*" are referred to a book of this name.³ In England it was never the custom to have a baptistery separate from the church, but as a rule seldom broken, the font was in the body of the church. Wooden fonts, though used in mediæval times, were always considered as uncanonical. Those extant in the middle of the last century have disappeared. A leaden bowl of thirteenth century date is at Wyching, Kent; another of the same date at Brundall, Suffolk. The covers of fonts were for the purpose of cleanliness. In the thirteenth century the Bishop of Exeter ordered that each parish church was to be furnished with a *baptisterium lapideum bare seratum*, and Archbishop Winchelsea, making a visitation in 1305, asked if there was a *fontem cum serura*, and a provided English Synod of the thirteenth century arranged that the water was to be changed every week. The shapes of Norman fonts are three in number—tub fonts, with no supports or base; the cup form, consisting of base shaft and bowl, and a bowl supported on several shafts—generally one central one, besides one at each angle.

Inscriptions on fonts are very numerous: Sagittarius, Adam and Eve; the names of the months and signs of the zodiac, names of the twelve Apostles, signs of the vices and virtues, the entire alphabet, prayers for the repose of the soul of maker or founder. At Adderrey, Suffolk, a twelfth century sculpture:

³ By Mr. Clement F. Rogers. Clarendon Press, 1903.

*"Hic mare primus homo
Fruitur cum conjuge pomô."*

(Here wickedly the man enjoys the apple with his wife) and many others may be cited. The subject of font covers is also ably treated by the writer, Mr. Cox. In this interesting book from which I here quote is one description worth noting: "The highly remarkable early sixteenth century font cover at Radbourne, Derbyshire, came from the neighbouring Premontensian Abbey of Dale, the name of whose conventual church had been used for parochial purposes. The cover is of octagonal pyramidal design and richly carved; four of the medallions on the sides bear the evangelic symbols. The lower part of the cover is not open, but has a handsomely carved panel. On the shield in the centre of this is a cross bearing the crown of thorns and pierced heart, and it is flanked by the four wounds on hands and feet."

We have touched upon many articles of church furnishing in our article, and now come to that which holds the holy water used ere crossing the threshold of the church, viz.: the holy water stoup, divided into two kinds, stationary and portable. In the latter case the parish clerk himself carried the metal stoup; the former, a basin made of stone, was not moved. The mystic meaning of the use of holy water on entering the church was that it was a "symbol of the purity of soul with which they ought to approach the place where His Majesty dwelt," and as being more convenient, it is usually found on the right hand side of the church. It is seldom found on the left side, though occasionally trefoil headed stoup niches are found on each side of the west door. A sprinkler or aspersorium was in some cases fastened to the stoup. Near Boston, Lincolnshire, the church wardens bought a chain of iron with a holy water stick for use at the side door. With reference to the idea so readily jumped at that all vessels of certain shapes were in olden times employed for sacred purposes, I may quote Mr. Cox: "Every homestead in mediæval and later days used to possess its mortar or mortars of some hard stone, usually ribbed at the angles, wherein vegetables, etc., were pounded for domestic use or meal for the pigs. It would be unkind to give the names, but there are various churches, particularly in the west of England, where domestic mortars have been discovered of recent years in different parts of the parish and have found their way into the house of God and are placed at the foot of font or elsewhere under the fond belief that they were discarded water stoups. One stance may be cited without giving offense, as the stoups in this case are in the churchyard and absurdly numerous. In the churchyard of the sand-buried

church of St. Ednock, on the eastern shore of the Padstow estuary, Cornwall, is a double row of mediæval stone mortars of various sizes and dates, mounted on pedestals, flanking one path to the porch. They have been found in the neighboring sandhills and placed here under the idea that they were all holy water stoups. At Paveley a large farmyard mortar for the brazing of grain, etc., has actually been placed on a pedestal in the church and is now used as a font."

Very few alms-boxes have been traced as belonging to mediæval times. These are of iron or wood and are treated of in "*English church furniture*," but really there is not much to say of them, nor even of offertory boxes, much used in ancient days. When the object of piety was important enough to be worthy of a pilgrimage, a receptacle for the reception of the money offered by the faithful was placed at the foot of the particular reliquary object, image or what not, and very particular account was kept of the money received and the particular purpose to which it was devoted. At Norwich, among the unpublished sacrists' rolls of the Benedictine cathedral church, there are many entries as to the collection boxes standing about the church. "In 1343 the box *ad crinan* obtained £21, 19s., 7d., the box *ad reliquies*, £—., the one at the image of St. Osyth, £3., 6s., 4½d., and at the image of St. Hippolytus, 11s., 7d., whilst the lowest of the offerings before several other images were those of St. Catharine, 1¾d., and St. Anne, 1d." All these wooden boxes vanished at the Reformation, the only examples remaining were of stone, the most interesting of these being an offertory box, with an adjoining bracket intended for an image, placed on the southeast pier of the nave of Bridlington church, E. R. Yorks. It seems there are traces of its having at one time a wooden inner casing.⁴

A throne for the Bishop was part of the furnishing of all cathedrals, and in one monastic one, the earliest, a plain, simple one, in distinction to those which had lofty canopies. The most important one is a magnificent example of fourteenth century joinery, rising pyramidically to fifty-seven feet in height, dated 1308-27. There are several others of different dates, shape and material, but the most interesting of all in England is the large important stone chair in Canterbury Cathedral, formed of Purbeck marble and known as St. Augustine's chair, and sometimes St. Ethelbert's chair, in accordance with an old tradition which declared that it was not merely used by St. Augustine, but that the old kings of Kent were crowned in it; that Ethelbert on his conversion gave it to St. Augustine. Its date is supposed to be the twelfth century. Other stone

⁴ "Journal of the Associated Architectural Societies," iv., 9.

chairs are indicated here, of more or less antiquarian interest. A movable chair in a church in Wiltshire consists of an upright panel, with fifteenth century mouldings at the top and sides; against this is a seat, flooring middle height back, a door which shelters the panel, besides a desk, which slopes facing the seat. This has been erroneously called a "confessional chair," but the opinion of able antiquaries decides that it is an interesting example of an English monastic "carrel" or stall, usually placed in religious houses to secure some "degree of privacy and convenience and shelter for the older monks when at study." The *"Rites of Durham,"* where we are told that on the north side of the cloister "in every window there were iij pews, or carrells, where every one of the old monks had his carrell several by himself, that when they had dyed they dyd resort to that place of cloister and there studyed upon their books, every one in his carrell, all the afternoon unto evensong tyme. All these pews of carrells were wainscotted and verie close, all but the forepart, which had carved worke that gave light in at their carrell doures of waynscott. And in every carrell was a desk to lye there books on.⁵

When Anglo-Norman churches were built the old custom still obtained of placing the Bishop or abbot in the central part of the apse, with his clergy in seats or stalls on each side of him. This was an uncommon plan, quite upset by the Gothic period, which placed the clergy on the western side of the choir. Each stall was separated off by carved back with elbows and was furnished with a hinged seat, the bracket under which had a "misericord"—otherwise, a seat intended to give support during the long times of standing. These "misericords" furnish excellent examples of mediæval wood carving. The subject depicted thus were grotesque, domestic, Scriptural, etc., and they are themselves often earlier than the canopies placed over them or even the stalls themselves. The old stalls at Exeter and other places are only the portions of the ancient stalls which are now to be seen. The earliest complete set is at Winchester, of thirteenth century date, this also being one of the finest. The carvings cover a vast range of subjects, among them "a fox being hanged by geese, a group of rats hanging a cat; in many churches a fox preaching to geese, a cat and kittens, a pig and litter, a rabbit at play, a pig playing bagpipes, a rabbit riding a hound, a fox riding a cock, etc., etc., while serious or Scriptural subjects were also found, besides cooking, spinning, threshing, etc., and a fine set of misericords at Boston gives a realistic view of the birching of a boy by a schoolmaster whilst three of his school-fellows look on, book in hand, enjoying the scene.⁶

⁵ Wilts. "Archæological Society's Magazine" for 1889, vi., 147-149.

⁶ Mr. Cox, "English Church Furniture."

In England, as in other lands, the people stood kneeling, the stone benches or tables round the walls being intended for the aged and infirm and were fairly numerous. These seats were very differently placed—against the walls, going round the bases of piers, etc., while wooden seats for the general congregation, beginning with seats for within chantry parcloes or guild chapels, spread gradually to the body of the church. In the fifteenth century many churches were fitted up with wooden seats, the earliest examples being generally rude benches with "simple terminals." These are found generally in the Midlands, the carving being of every design, the various symbols of the Passion predominating.

The meaning of the word "pew," or "pue," really meant a seat which was elevated, being originally applied to the seats or enclosures for officials or persons of dignity; it being only of recent times that the word is employed for strictly ecclesiastical purposes. The Smithfield sheep pens were described by Milton as "pews," so was a theatre box by Pepys. The earliest use of the word for church purposes came into the famed poem of *Pier's ploughman*, 1360, and in the same century it came into the reports of the Synod of Exeter. John Russell in his book of "Nature," 1459, says that the chamberlain is instructed before his lord goes to church "to procure all things for his pewe," and that it be prepared both with cossyn, carpet and curtains, bedes and boke." Some of these pews were beautifully carved, some with canopies, others not.

The fine old chests or coffers frequent in domestic and common use in mediæval times soon became in churches the receptacles for the storing and keeping of vestments, documents and other valuables. These had usually single panel fronts, but the most ancient had no panel, being formed out of solid timber. These latter were called early candles, dugout, but the scientific name is *monoxylon*. A chest at Rugby church of thirteenth century date has a central panel beautifully ornamented with scroll work, the wide sides of which are left plain, while it is raised a little from the floor by four wheels or discs of wood, besides which, carrying chains at the ends furnished with rings to permit of the carrying of the chest by passing a pole through them. Much interesting matter can be obtained in "*Ancient Coffers and Cupboards*," published in 1902, and "*Old Chests*," an excellent paper published in 1904 by the Archæological Section of the Birmingham and Midland Institute by Colonel C. H. Dart.

For convenience the chest cupboard was often found in English churches, used for the same purpose as the chests, more or less beautifully carved and dating from 1297—*armariolum cum serura*, as called in a visitation made at Belchamp in Essex.

In chancel and other walls there are often found small squared recesses or niches, used for keeping altar books and vessels, linen, etc., and indicated as almeries or "aumbries." There is no doubt that these almeries were often used for the safeguarding of sacred relics. There was a celebrated great almry for this purpose at Salby Abbey, which perished in the great fire of 1906.

Lamps and candles were the means by which the English parish church was illuminated in ancient times, but it was quite unknown then to have such practical methods as would enable the worshipper to follow what was going on. The offices were usually said by daylight, excepting at the early Mass in winter. Cups hollowed in stone, filled with grease or oil and having a floating wick, were put near doorways and other points so as to serve for lighting purposes, these being called cressets or cresset stones. In the "*Rites of Durham*" we read: "There is standynge on the South pillar of the Quire doore of the Lanthorne in a corner of the same pillar, a foure-squared stoun, which hath been finely wrcught in every square a large fine image, whereon did stand a foure-squared stoun above that, which had twelve cressets wrought in that stoun, which was filled with tallow, and every night one of them was lighted when the day was gone, and did burne to give light to the monks at midnight, when they came to mattins."

As a rule, a lamp burned day and night before the high altar, excepting in very poor churches, as early as the thirteenth century. Lamps in chapels or before special images or altars were often changed to candles, as being less expensive and giving steadier light. Church wardens' accounts showed that these items were entered: "At Gatton, 7d. was paid in 1518 for hanging up ye lamp in ye chancel, and 2d, for a lyne to ye lampe."

The usual number of altar candlesticks was two, coming into use about the beginning of the thirteenth century; sconces of latten came in later. Gifts of a pair of candlesticks are often found in mediæval wills.

Rood lights were next in importance to the light before the Blessed Sacrament, and in church accounts as well as in countless wills they were named—prickets in the midst of bowls being the commonest form, and beside the row of lights along the beam or gallery front, a special light or lamp burning before the rood to be burnt always or at special times. One testator bequeathed "a pound of wax, to be made thereof a taper perpetually every year, to be made to burn in the rood-loft before the rood, and the said taper every year against the Eve of the Nativity."

Chandeliers burning before the rood were very often in the form of a crown, on which from twelve to twenty candles burnt, these

being known as rowells, often bequeathed, and lighted or lowered by puileys. Chandeliers or branched candlesticks are often found in wills, etc. In the sixteenth century there was bequeathed to a Northamptonshire church a "candylstick of V flowers and V tapers of V ponde waxe, to be sete before Our Lady."

The dispersion of the monasteries involved in many cases the destruction of most valuable libraries, deplored by students, throughout England, but in some fortunate cases there were some established, which were connected with the parish or cathedral. Books other than those used in the service of the church were kept in churches or cathedrals at a very much earlier date. We read of "Belinus Nansmaan, a Bristol merchant, left by his will of 1410, to the Church of St. Mary, Redcliffe, the Sixth Book of the Decretals, and the Constitutions of Pope Clement V., to be shut up in that church, so that the vicar and chaplains might study them when they pleased." Even before printing had begun, books were often fastened by chains for security. A canon of Salisbury who died in 1452 bequeathed some books to the library, in two of which was found in a fifteenth century hand, written on the inside of the cover, a note that they were to be chained in the new library, and Mr. Cox gives a long list of chained books in church libraries of the present day, some volumes of which date from mediæval times.

Church embroidery holds a large place in church furniture. The reputation for needlework in England dates from very early times, the exemption of the art of embroidery being in advent only a subject of instruction in convents, but it was a business or profession, besides being almost the only accomplishment of the ladies of Saxon and Anglo-Norman laity. There were schools for that purpose, one near Ely existing almost about the seventh century.

English embroidery as an art ranked with painting and sculpture and was known at an early date as *opus Anglicanum*, because of very great value, and can be studied by itself.⁷

Those who think royal arms were not to be found in church in mediæval days are mistaken, as they frequently occur on altar cloths, stained glass and on priestly vestments, but they were used very markedly and noticeably since those days. The royal arms of Savoy might be seen at the west end of the Catholic church in Sardinia street until a few years ago, but the exceptions are few and far between.

L. E. DOBREE.

⁷ English Mediæval Embroidery, by Mr. Hartshorne, and Old English Embroidery, Its Technic and Symbolism, 1894, by F. and H. Marchall.

JOHN TAULER AND THE FRIENDS OF GOD.

THE "Friends of God" were not a sect, nor even a society; much less were they any political association, for they had nothing to do with politics, but were simply a band of holy men and women—a group of mystics united for the purpose of advancing their own sanctification and that of others.

Meister Eckhart was undoubtedly the leader and the most learned member of the group, but both he and they were greatly influenced by the writings of the great mystical prophetesses of the preceding century in Germany, namely, St. Hildegarde, St. Elizabeth of Schönau and St. Machtilde of Magdeburg.

The period in which the "Friends of God" lived was catastrophic, for part of the century the black death was raging and ravaging half Europe; the Babylonian captivity of the Church, in other words, the removal of the Papal See from Rome to Avignon, lasted from 1309 to 1377, and was followed by the Great Schism, which lasted well into the fifteenth century. Men's hearts were failing them for fear of what was coming upon them, and many thought that the end of the world was imminent.

The revival of interest in mysticism in our own days has also coincided with catastrophic times, for the greatest war the world has ever seen, which is now devastating Europe and raging on land, on sea, under the earth, under the sea and in the air, can be called nothing else than a gigantic catastrophe. The output of mystical literature, both Catholic and non-Catholic, has been abnormal during the second lustre of the present century, although the interest roused in it seems to be speculative and intellectual rather than spiritual and practical, as it was in the fourteenth century, when the "Friends of God" lived, although it must be granted that an element of speculation entered also into their mysticism.

It is for psychologists to determine what is the cause of this coincidence, but with the individuals, as with groups of men and women, or with nations, this is frequently observed, namely, that times of great grief or of bodily sickness or physical pain are frequently preludes to mystical experiences, such as raptures, ecstasies, visions, revelations and the like phenomena.

After Meister Eckhart, Dr. John Tauler was perhaps the most important of the "Friends of God," and his influence has been greater even than his master's, for he, like B. Henry Suso, was a pupil of Eckhart's. He was born at Strasburg in 1290, and was the son of one Nicholas Tauler, a wealthy Senator. He entered the Order of Preachers at Strasburg, and had a sister a Dominican nun

at Grautenuau. He went to Paris to study at the Dominican College of St. Jacques, and it was there that he met Meister Eckhart and studied under him.

At St. Jacques he read Aristotle and Proclus and the Neo-Platonists, and for his ecclesiastical studies his masters were St. Thomas Aquinas, Dionysius, the pseudo-Areopagite; the Victorines, St. Bernard and St. Augustine, by all of whose works he was greatly influenced.

The history of Tauler's life and conversion was written by the mysterious personage, who until very modern times was known as Nicolas of Basle, or the "Friend of God from the Oberland."¹ This Nicolas of Basle is an historical puzzle which will probably never be solved. If he ever existed, which the latest critics doubt, he was certainly a layman, and as such he describes himself in the "History of John Tauler," in which he also records his own conversion. But although a layman, he acted as director to Tauler and other "Friends of God," whom he is said to have visited from time to time, no one **knowing from whence he came or whither he went.**

He is described in most accounts of him, save the latest, as rich and of good family and as having been born about 1310; after his conversion he is said to have lived in great seclusion at the head of a community called the "Friends of God in the Oberland," but he was not affiliated to any religious order. He used to visit Tauler and other "Friends of God," and he is especially associated with Rulman Merswin, the rich banker, who became a "Friend of God" and to whom with this Nicolas of Basle are ascribed a large number of mystical works.

The latest theory with regard to him is that he never existed at all, but was either a creation of the brain of Rulman Merswin² or his double, or a third hypothesis is suggested by Karl Rieder,³ that Merswin's secretary, one Nicolas von Löwen, invented him after Merswin's death and edited writings left by Merswin and ostensibly by this mysterious "Friend of God from the Oberland," and passed them off as autobiographies of them both. Leaving for the present the vexed question of the identity of the "Friend of God from the Oberland" with Nicolas of Basle, who was burnt at Vienna as a heretic and a Beghard, we can safely say that whoever he was, he was not a priest, and that when Tauler was at the height of his popularity as a great preacher, he visited him and convinced him of sin and persuaded him to give up preaching for two years, and, further, to submit to him as his spiritual director. All of which is

¹ See Denifle. *Der Gottesfreund in Oberland und Nikolas von Basel*, 1870.

² A. Frendt. *Kulman Merswin et l'Ami de Dieu*. Paris, 1890.

³ Karl Ricker. *Der Gottesfreund von Oberland*, 1905.

circumstantially related in the "History of John Tauler" (translated by Sussannah Winkworth).

One of the characteristics of the "Friends of God" was that to a certain extent it was a layman's movement and many of the members submitted to lay direction, even though priests and religious themselves, and this "Friend from the Oberland" seems to have acted in this capacity to several of them. In one of his sermons Tauler thus speaks on this subject: "For such as desire to live for the truth, it is a great assistance to have a 'Friend of God,' to whom they can submit themselves and who can guide them by the Spirit of God. It were well worth their while to go a hundred leagues to seek out an experienced 'Friend of God' who knows the right path and can direct them in it."⁴

Tauler's sermons were intended mostly for religious and for small communities of men and women, possibly for Dominican and Franciscan tertiaries, who lived together apart from the world. He aimed and labored at the reformation of the clergy, who stood in great need of it, and also at the restoration of monastic discipline among both monks and nuns, which had become very lax, and through Tauler many priests and religious were converted to a better life.

He was an active mystic after the two years of seclusion which he passed under obedience to the "Friend of God from the Oberland;" he preached that works of love were more acceptable to God than lofty contemplation, and said that it was better to carry broth to a sick brother than to be engaged in the most devout prayer.

One of the terrible troubles of the time in which Tauler lived was that the kingdom was laid under an interdict, while the people were dying by thousands of the black death, and some Protestant writers have tried to make out that Tauler disobeyed the interdict and administered the sacraments to the dying, but there is no authentic evidence to support this idea; on the contrary, from the following passage from one of his sermons, it seems more probable that he obeyed the interdict:

"I received the privilege of belonging to my order from the grace of God and from the Holy Church. It is from both that I have this hat, this coat, my dignity as priest, my right to preach and to hear confessions. If the Pope and the Holy Church from whom I have received these privileges wish to take them from me, I ought to obey them without reply; to put on another coat, if I have one; to leave the convent; to cease to be a priest and to stop preaching and hearing confessions. I should have no right to ask the wherefore of such a decision. If Holy Church wishes to deprive us of the external sacrament, we must submit; but no one can deprive us

⁴ Tauler's Sermons.

of the privilege of spiritual Communion, and we ought to obey the Church without a murmur." (Sermon LXXI.)

During the interdict Tauler appears to have retired to the Carthusian monastery, where his friend, Ludolph of Saxony, was prior for some time and subsequently went to live in the Dominican house at Cologne. He composed his principal book, "The Imitation of Christ's Life of Poverty," either at Cologne or in the Carthusian monastery. In it he taught that the essence of poverty is poverty of spirit, which consists not in the deprivation of all earthly things, but in hanging loosely to them.

In 1391 he went back to Strasburg suffering from a very painful and lingering disease. During his illness he moved to his sister's convent, that she might nurse him, for which he has been blamed by some writers. After he had been there enduring great pain for five months, he sent for the "Friend of God from the Oberland" and gave him a little manuscript, in which he had written down their conversations held years before, and asked him to make it into a little book and not to mention any names, but to call the speakers Master and Man, he being himself the Master and the "Friend of God" the Man, and he added that it was not to be published in his lifetime. This is the "History of John Tauler" before alluded to. This mysterious "Friend of God" stayed eleven days with Tauler, who died after intense suffering on the 16th of June, 1361, and was buried in his own convent.

Among Tauler's friends who were also "Friends of God" were the two nuns, Margaret and Christina Ebner. Margaret was a Dominican nun in the convent of Maria Medingen, in the Diocese of Augsburg, and Christina was the abbess of Eugentha, near Nuremberg; both were very pious and intellectual women and both were subject to visions; they were partisans of the Emperor Louis, as was Tauler also.⁵

Tauler corresponded with Margaret and urged her to write down what was revealed to her concerning the "Friends of God." Both these sisters venerated their "dear Father Tauler" very greatly, and it was revealed to Christina in one of her visions "that he was the holiest of God's children then living."

In one of Christina's visions she saw the Catholic Church in the image of a large cathedral, with the doors closed by the interdict, and a man in a Dominican habit stood in the pulpit and preached, and it was revealed to her that He was Christ.

Christina, who was the head of the circle of "Friends of God" at Engelthal, as her sister Margaret was at Medingen, in Bavaria, frequently heard a voice saying that Tauler was of all men the one

⁵ See "Studies in Mystical Religion," by Rufus Jones, 1909.

whom God most loved, and that God dwelt in him like melodious music.

Tauler was the spiritual director of Rulman Merswin, another "Friend of God," and counseled him to moderate the austerities which he practiced at the beginning of his career as a "Friend of God" after he had left the world.

In his teaching Tauler was much less speculative than Eckhart; nor was he so logical as his master, nor so poetical and rich in images as his friend, Henry Suso; but it has been pointed out by the Swedish theologian, Dr. Martensen,⁶ that he makes a connecting link between these two "Friends of God" through the inner harmony of his mind and through the Rest of contemplation.

This writer also says that this phase of German mysticism was a return of the West to the speculation of Dionysius, the pseudo-Areopagite. Dr. Tauler, like all true mystics, was very practical. In speaking of the works of Christ, he says: "There are two kinds of works in Christ—one kind belongs to His Godhead, as when He walks on the sea and works miracles, fasts for forty days and such like; these works we should not take upon ourselves to attempt, for they are God's works and do not belong to us. The other works which were Christ's belong to His Humanity—as to be poor, miserable and despised, to hunger and thirst, to suffer pain, to be humble, patient and meek, to have all the virtues—in all these works should we be one with Christ."

This passage or words to the same effect occurs also in the "Theologia Germanica," which is sometimes attributed to Tauler, but the author is unknown.

Like other mystics, Tauler frequently interpreted the scenes and sayings of Our Lord mystically and saw in them the image of some mystical process, as for example in his sermon "On the Finding of Jesus in the Temple" he brings out how we should seek our spiritual birth, Christ, in us. "His parents sought Him in vain among their relations and acquaintances, but found Him in His Father's house. So must we leave creatures and enter into ourselves our origin. We must leave all which is our own—our own thoughts, our own reason, our own will. Those are the many acquaintances which disturb us." (Pred. I., 153.)

Like other Christian mystics, Tauler taught that contemplation must always go back to the Death and Passion of Our Lord. "As the rose yields itself most gloriously in its scent, so does the nature of Christ in His Passion and Death. If a man would be free from

⁶ Meister Eckhart von Dr. Martensen. Hamburg, 1842.

⁷ Martensen. From whom all the translations are made unless otherwise stated.

all earthly desires, if the vanity of the world and the chances and accidents of nature should lose their power over him, then must he sink himself in the Passion of Our Lord. There all which enters between God and the soul and hinders union fall to the ground; there is nothing so great but it is borne in the sufferings of Our Lord; it must then vanish and be annihilated, for it is a burning fire in which all unlikeness disappears. But the fire which Christ brought to earth is the fire of love. In this true lovers offer all bodily things to God; yes, they offer their own lives in God, their minds are raised above all created things and penetrate into the uncreated good, which is God Himself, and lose themselves in the hidden darkness of the unknown God." (Martensen, page 92.)

Again, in his celebrated sermon on the Nativity, Tauler taught that "the Son of God is born, not only of Mary, but also daily in every believing soul; that Mary was obliged to hear Him spiritually before she could bear Him corporally, and that she was much more blessed through the spiritual than through the corporal birth."

In a sermon for Easter on the words "It is expedient for you that I go hence, for if I go not, the Spirit will not come to you," he says "that even the bodily image of Our Lord and His true, fatherly, fruitful presence was hurtful to His disciples and hindered their sanctification, for they loved Him as a Man Who was still mortal." He went on to say "that it may be that the soul can be raised and carried above all created things and yet the Holy Spirit may not come into it, and that all the Divine works which God works He works not in time and space, but in the Spirit." (Pred. III., 94.)

On discussing the question which has exercised so many mystics as to whether it is better to meditate on the Life and Passion of Christ without images than to consider them with the help of them, Tauler says:

"Which is better—that I should go out of all my own works, will, thoughts and hold myself free of all images, or that I should think of the sufferings of Our Lord, of His Life and His Image, that God created me, bore my sins and gave me eternal life? All this is good and should reasonably rouse your love and bring you to great thankfulness. But where these images penetrate and have room, other images might also crowd in. Therefore must we hold ourselves bare of all images, that the naked essence of truth may shine on us and enlighten us. Not that we should disdain the pain of Our Lord and His Image and flee away from it, but who so can should out of great love and gratitude consider these things without images. This is as if any one owed me five shillings and should give me five marks, he would not have sinned. Many good men are hindered in their perfection because they adhere with too great

pleasure to the humanity of Christ. For if we also contemplate the Divine truth in Christ, so are we nevertheless not perfectly blessed, for while we are in the act of contemplation we are not one with that which we contemplate, and as long as something is in our attention or understanding, we are not one with the One. One cannot see God with blindness nor know Him with ignorance." (Pred. I., 109.)

Tauler opposed the errors of false mystics who taught that the spiritual nature must be destroyed and become as though it were not; that is, as if it were uncreated and one with God. But he says: "If this were possible, then the creature would be neither holy nor blessed, no more than a stone or a piece of wood. Without our own works, without love and without knowledge of God, could we not be blessed, but God would still be blessed, as He is blessed and always was blessed, and this does not help us to improve. Therein is this emptiness always a deception, and the false spirits that live and lie in it are so subtle that man cannot conquer them. Yes, they art not unlike the lost spirits, for these have neither pleasure nor love, nor knowledge, nor worship, nor thanksgiving, nor praise, for they are eternally damned." (Pred. I., 215.)

Tauler and several of his school taught that the contemplation of exterior nature was inimical to spiritual contemplation and hindered perfection. He praises in one place the example of a monk who as he walked through the garden of his monastery drew up his cappa over his eyes so as not to be disturbed in his contemplation by the accidental forms of the flowers.

On the other hand, the poetical Suso greets the spring, but he attaches a mystical meaning to all the works of nature. On the May tree he sees the wood of the cross on which grew the fruit of eternal life. When he sees red roses he offers to His Saviour love from his heart; when he sees violets he offers Him a humble bow; for all delicate lilies he tenders Him a pure, sincere embrace; for all beautiful, colored and brilliant flowers, heath and hedge, wood and meadow bring forth, he offers a spiritual kiss, but for the song of all well-minded birds, he offers his Saviour unending praise." (From Suso's "How I Begin May.")

The "Friends of God" looked upon Tauler as one of their greatest men, and he for his part had the highest opinion of them. He says in one of his sermons, "If it were not for the 'Friends of God' who are in the world we should indeed be badly off." And in another place he says, "Without the help of the 'Friends of God,' God could give no blessing to sinners, for His justice demands satisfaction, and here is precisely the service of the 'Friends of God'—they intercede in favor of Christendom, and their prayer is heard"⁸

⁸ Studies. Rufus Jones.

In fact, he thought, as did the other "Friends of God," that they were the elect, for whose sake God would spare the world from the destruction with which they all believed it was then threatened; in one place Tauler says, "If they were not in Christendom it would not last an hour."

The people loved his preaching and flocked to hear him, because he spoke so simply to them and his words brought them comfort and hope and spiritual joy. Here is a short example of his style:

"Children, you should not ask after great and high things. Go simply into the ground of your heart and learn to know yourself in spirit and in nature, and inquire not after the hidden things of God, of His flowing-out and flowing-in from the Ego to the Nothing, from the Spark of the Soul to pure Being (Istigkeit), for Christ has said, 'It is not necessary to you to know the secrets of God. Therefore should we hold one true, whole, simple faith.' (Pred. II., 73.)

In another sermon he elaborates this theme into a little story, thus: "There was once a learned man who desired for eight years that God would show him a man who would direct him in the way of truth. And as he was desiring this greatly, there came a voice from God to him and said, 'Go in front of the church; there you will find a man who will show you the way of salvation.' And he went thither and found a poor man whose feet were sore and full of dust and dirt and all his clothes were hardly worth three halfpence. He greeted him and said:

"'God give thee a good morning.'

"The man answered, 'I have never had a bad morning.'

"Then God give thee happiness.'

"I have never been unhappy,' he answered.

"May you be blessed. What answer will you make to that?"

"I have never been anything but blessed.'

"Explain this to me, for I cannot understand it.'

"Gladly. You wished me good morning. I have never had an evil morning; for if I was hungry, I praised God; if I was cold or it rained or hailed or snowed, whether the weather was good or bad, I praised God; if I am miserable and despised, I praise God, and therefore have I never had a bad morning. You wish that God should give me a good fortune. But I have never had bad fortune, for I know how to live with God and what He does that is best, and what God gives me or whatever hangs over me, be it love or suffering, that I take cheerfully from God as the very best, and therefore have I never had bad fortune. Thou wishest that God should bless me. I was never anything but blessed, for I desire only to be as God wills, and I have placed my will in God's will so entirely that what He wills I also will.'

“‘But if God should cast you into hell, what would you do then?’ said the learned man.

“‘Cast me into hell? His goodness will keep me from that. Still, should He cast me into hell, if I had two arms I would embrace Him therewith. The one arm is true humility; that I lay under Him, and with it I am so united to His Godhead that I embrace Him, and so will He be obliged to go into hell with me. And so I would rather be in hell and have God than in heaven and not have Him.’

“Then this master understood that true resignation with fundamental humility is the true way to heaven.” (Martensen, p. 107.⁹)

We have already noticed the great similarity there is in the doctrine and writings of this group of mystics, so that it is often difficult to tell who is the author of certain passages, and one such puzzle occurs in one of Tauler’s sermons, which is believed by some critics to be by Eckhart, although as will be seen it is very similar in style to the dialogue above quoted from Tauler.

He is describing a vision in which a spirit appears to him, and he thus addresses it:

“From whence dost thou come?”

“From God.”

“Where hast thou found God?”

“Where I left all creatures.”

“Where hast thou left God?”

“In a pure heart and in men of good will.”

“What kind of man art thou?”

“I am a king.”

“Where is thy kingdom?”

“It is my soul, for I can so rule my interior and exterior senses that all my desires and powers are subject to my soul. And this kingdom is greater than any kingdom upon earth.”

“What has brought you to this perfection?”

“My silence, my high thoughts and my union with God. For I could rest in nothing that was less than God. Now have I found God and I have eternal rest and peace in Him.”¹⁰ (Martensen, 113.)

This might well be either by Tauler or his master, Eckhart, for it is an epitome of the teaching of both. Union with God was the goal at which they both aimed, as it is the end of all true mysticism.

We have said that the “Friends of God” was a layman’s movement, and in one of Tauler’s sermons he says that the greatest Friend of God he had ever known was not a priest nor a learned man, but a simple cobbler without any learning. In another sermon he says, “Great doctors of Paris read ponderous books and turn

⁹ Meister Eckhart von Dr. Martensen, pp. 107-109.

¹⁰ Meister Eckhart von Dr. Martensen.

over many pages, but the 'Friends of God' read the living Book, where everything is life."

The annihilation not only of self-will and self-love, but of everything pertaining to self was a cardinal tenet of the "Friends of God," and in one of his sermons Tauler gives a beautiful instance of how perfect this self-sacrifice must be.

"One day the Lord offered to kiss a 'Friend of God' with a kiss of Divine love. The 'Friend' replied, 'I do not want to have it, for the joy of it would flood my heart so that I should lose consciousness, and then I could no longer serve Thee.' " (Pred. XXXIV.)

Tauler believed in the inner light which illuminates the souls "of those divine and supernatural men," with whom he especially associates the "Friends of God" of his day, and he speaks frequently in his sermons of this Light.

"These Divine men enjoy an enlightened understanding. The vision of the eternal light makes their souls so luminous that they could teach all men if the occasion for it came." "They gain an inward peace and joy in the Holy Spirit." "The Divine illumination gives a man a marvelous discernment, more perfect than he is able to acquire on earth in any other manner." "God illumines His true friends and shines within them with power and purity and truth, so that such men become divine and supernatural persons."¹¹

Many more passages might be quoted from his writings to the same effect. Though less speculative than his master, Eckhart, there are passages like the following in his sermons wherein he leads his hearers into that "quiet wilderness" of Eckhart which seems to be the portal which leads to quietism:

"God is a pure Being (that is, a Being with no attributes—a waste of calm seclusion, as Isaias says). He is a hidden God. He is much nearer than anything is to itself in the depth of the heart, but He is hidden from all our senses. He is far above every outward thing and every thought, and is found only where thou hidest thyself in the secret place of thy heart, in the quiet solitude where no word is spoken, where is neither creature nor image nor fancy. This is the quiet Resort of the Godhead, the Divine Darkness—dark from His own surpassing brightness, as the shining of the sun is darkness to weak eyes, for in the presence of its brightness our eyes are like the swallow in the bright sunlight; this abyss is our salvation."¹²

If we compare this passage with the following extract translated from Delacroix's "*Essai sur le Mysticisme Spéculatif en Allemagne*," which contains a summary of the system of Meister Eckhart, it will be seen that Tauler's mysticism was not only less speculative, but also more experimental than his master Eckhart's was.

¹¹ Studies in Mystical Religion. Rufus Jones.

¹² Ibid.

"All the system of Eckhart was only a long effort to put life and movement into Being, and to expand Being first through the multiplicity of acts, the synthesis of which alone can constitute It. Hardly has he affirmed the absolute Reality of Being than he occupies himself in penetrating its depths and in discovering the richness of it. His God is not an immovable God, but the living God. He is not the abstract Being, but the Being of Being. Abstract He would be nothing, and would vanish away in the non-being of logic. If He is the absolute and supreme Reality, He is so not only in Himself, but of Himself and by Himself; that is to say, His Own Author and His Own Creator. The reality of God, that is His work, and His work is before the genesis of things, His Own genesis."¹⁸ Tauler constantly insists upon the experimental knowledge of the Presence of God in the soul; he does not leave his hearers in the barren wilderness, though he does talk about the necessity of "withdrawing into the bosom of the Divine Dark" and says "that we shall never find God so perfectly anywhere, or so truly or so fruitfully as in retirement and the wilderness."

Again and again he says that the knowledge of God can only come from experience, from actually feeling His Presence in the soul. "The man who truly experiences the Presence of God in His own soul, knows very well that there can be no doubt about it." This knowledge, he says, cannot be learned; it must be experienced; the masters of Paris cannot teach it; but it is easier to experience than to describe. All that I have said of it is as poor and unlike it as the point of a needle is to the heaven above us."

In another sermon he says that we must enter in and dwell in the Inner Kingdom of God, where pure truth and the sweetness of God are found. He describes the soul as a temple, where God eternally reveals His Father-heart and begets His Son, and where is the true pure presence of God, in Whom all things live and move and have their being, and where all suffering is done away.

He taught emphatically that the only way to God was the way of mortification, the leaving of all creatures, the road of self-renunciation and death to self, and he divided the process of dying to self into the three stages which correspond with the three ways of the interior life—the purgative way, the illuminative way and the unitive way.

"Those who wish to be 'Friends of God' must rid themselves of all that pertains to the creature, must free themselves of all that is called 'necessary,' must not be blinded by transitory things, and must look alone to the source and Origin."

Compare this with Eckhart: "There is a power in the soul, and

¹⁸ Delacroix. Vol. I., p. 173. Paris, 1900.

not only a power, more, a being; and not only a being, more, this releases from being; and this is so pure and high and so noble in itself that no creature can come there, but God alone dwells there. Yes, He dwells there by truth, and God even cannot come there with a form. God can only come there with His simple Divine nature." (Delacroix, 196.)

He was less fond of paradox than Eckhart, though he sometimes indulged in it as a device for illuminating his subject and when he wanted to say something startling to arrest the attention of his audience, as in the following passage from one of his sermons:

"One man can spin, another can make shoes, and all these are gifts of the Holy Ghost. I tell you, if I were not a priest I should esteem it a great gift that I was able to make shoes, and I should labor to make them so well as to be a pattern to all."

Both Eckhart and Tauler were fond of using familiar similes to illustrate spiritual things, and in this way, as in many other ways, they followed the steps of one of their masters—Dionysius the "Areopagite," who in describing the way in which prayer leads to mystical union with God, the goal of all mystics, says:

"Our prayers raise us to the high ascent, as if a luminous chain were suspended from the celestial heights, and we, by ever clutching this, first with one hand and then with the other, seem to draw it down, but in reality we are ourselves carried upwards to the high splendors of the luminous rays. Or as if, after we have embarked on a ship and are holding on to the cable reaching to some rock, we do not draw the rock to us, but draw, in fact, ourselves and the ship to the rock."

All learned mystics, not only the "Friends of God," have been greatly influenced by the writings of Dionysius, since John Scotus Erigena, an Irishman, translated them from the original Greek into Latin in the ninth century by the royal command of Charles the Bald. Some modern scholars have said that the "*Summa Theologiæ*" of St. Thomas Aquinas "is but a hive in which various cells he duly stored the honey which he gathered thence," a point which Catholic writers would dispute, for St. Thomas himself tells us that he gathered most of his wisdom from the foot of the cross in prayer, and not from books in study. In the French edition of the works of Dionysius, edited by Dulac, he says that "if the works of Dionysius were lost they could be almost reconstructed from the works of St. Thomas Aquinas."

In the days of Eckhart and Tauler, as has been said, the "*Summa Theologiæ*" was one of the text-books used by the Dominicans at St. Jacques, in Paris, so that it is no wonder that the "Friends of God," several of whom were Dominicans, were influenced either

directly or indirectly through St. Thomas by Dionysius, whose works they also studied.

Dionysius, like Eckhart and Tauler, taught emphatically that although God, Whom he calls the Hidden Darkness, cannot be known intellectually, yet He can be felt experimentally. Dionysius compares mystical theology to Jacob's Ladder, with angels ascending from earth to heaven and descending from heaven to earth upon it, and he interprets it mystically by comparing the ascending angels to the negative way and the descending angels to the affirmative way of the soul in its search for God.

The negative way, which both Eckhart and Tauler followed, was the more mystical and, in the opinion of Dionysius, the higher way; the affirmative way was the more ordinary path. In the affirmative way the soul follows meditation and discursive prayer and ponders on the great truths of Christianity and the doctrines of the Church; in the negative way she transcends all acquired knowledge by going out of herself beyond knowledge to union with God. The knowledge she then has it infused and requires no effort on her part, and when the union is complete it results in ecstasy, which is thus defined by Dionysius: "By ecstasy thou wilt be carried to the super-essential ray of Divine Darkness."

It was from Dionysius that Eckhart and Tauler learned to penetrate into the "Still Wilderness," the "Divine Darkness," the "Quiet Desert of the Godhead" and Eckhart to talk so wisely to the Dominican nuns at Strasburg about "Nothingness" and to others about "the Hidden Darkness of the Eternal Godhead" and the "Nameless Nothing" and the "Inner Rest of the Naked Godhead." Eckhart went too far in defining the closeness of the union with God of the soul, and one of his condensed propositions was "that that which is proper to the Divine nature is proper to the good and just man." He retracted these and all other condemned propositions before his death and explained away the passages in which they occur.

Tauler, though teaching that those who would enter into this union with God must put away all images and symbols in prayer, was careful in preaching as he did to lay congregations to safeguard this advice by warning his hearers that they must not do this too soon, before they were ready to advance to this degree of prayer. One passage in which he does so is quoted in the "*Theologia Germanica*," so often attributed to him. The chapter on "How a Man May Cast Away Images Too Soon" opens thus: "Tauler saith, 'there be some men at the present time who take leave of types and symbols too soon—before they have drawn out all the truth and instruction contained therein. Such men,' continues the unknown author, 'follow no one and lean unto their own understandings and desire to fly before they are fledged. They would fain mount up to heaven

in one flight, albeit Christ did not do so, for after His resurrection He remained full forty days with His beloved disciples. No one can be made perfect in a day.' " ("Theologia Germanica," p. 50.)

This work, "Theologia Germanica," has been extravagantly praised by Protestants. One Anglican dignitary¹⁴ says, "It is in some ways superior to the famous treatise of a Kempis on the 'Imitation of Christ.'" Charles Kingsley also admired it very much and wrote a preface to the first English translation by Miss Winkworth of it, and Luther ranked it next to the Bible and St. Augustine.

The unknown author was evidently reared in the same school of thought as Tauler and Eckhart and the other "Friends of God," and many of his ideas occur over and over again in Tauler's sermons. Like all Catholic mystics, he had for his goal union with God, which union he said "belongeth unto such as are perfect, and also is brought to pass in three ways, to wit: By pureness and singleness of heart, by love and by the contemplation of God, the Creator of all things."

He never lapsed into Pantheism, but he describes the union of God with the perfect man as so close that God and man become one, as in the following passage:

"Moreover, there are yet other ways to the lovely Life of Christ besides those we have spoken of, to wit: That God and man should be wholly united, so that it can be said of a truth that God and man are one. This cometh to pass on this wise. Where the truth always reigneth, so that true perfect God and true perfect man are at one, and man so giveth place to God that God Himself is there, and yet the man, too, and this same unity worketh continually, and doeth and leaveth undone without any I and Me and Mine and the like, behold there is Christ and nowhere else."¹⁵

Baron Bunsen said that the fundamental truth of this book was "that there is no sin but selfishness, and all selfishness is sin."¹⁶

In the preface to the Wurzburg edition of the German version it is said that "the author was a member of the Teutonic Order—a priest and a warden in the House of the Teutonic Order in Frankfurt." Whoever he was, he desired to remain unknown, which is in accordance with the principles of his little book, this brief description of which we have included in this account of Tauler, because it has sometimes been attributed to him.

DARLEY DALE.

¹⁴ Dean Inge.

¹⁵ "Theologia Germanica."

¹⁶ Preface to same.

IS "BEING" ANALOGOUS OR UNIVOCAL?

I.

THE question whether Being is analogous or univocal has been discussed so thoroughly by the great masters of Scholasticism that it would be almost presumptuous to attempt to add another word upon it. But the present paper does not pretend to put forth anything new; it merely proposes to look at the subject from a slightly different point of view from that of many modern text-books of philosophy and to throw together a few observations which have been suggested mainly by the treatment of Suarez.

Every one must have noticed, in reading scholastic authors, that there is a good deal of diversity in their mode of handling this question, and not a little confusion has arisen from the fact that they do not always make it clear whether they are speaking of the term "Being" or of the idea of Being or of the material or the formal object of that idea. It is obvious that unless the parties in the dispute agree at the start which one of these four they are speaking about, and unless their discussion throughout refers definitely to this one and not to any of the other three, they can easily come to contradictory conclusions from what are apparently the same premises.

St. Thomas maintains that Being is analogous; Scotus, that it is univocal. But whatever be the disagreement between the various schools as to the possibility of having an analogous idea, all are agreed that a term may be analogous. Let us, then, for the sake of clearness, **commence by stating what we mean by an analogous term, omitting for the present the consideration of the idea.**

In order not to begin by begging the question, we may, at least provisionally, define univocal term as a common term which expresses one idea; for example, "surgeon," "giraffe." Equivocal term is a common term which expresses two or more ideas which have no connection with each other; thus, "page" denotes a part of a book and also an attendant. Analogous term, in the sense allowed by Scotus, is a common term which expresses two or more ideas which have some connection with each other, for instance, "generous" with reference to a person and to a gift, "heroic" with reference to a person and to a deed, "infallible" with reference to the Pope and to a dogmatic definition.¹

¹ As the expression, "partly the same and partly different," has been called in question, it cannot be used here, and it is therefore reserved for comment in a later paragraph.

The term "generous" is analogous when referring to a person and to a gift, but it is univocal when referring to persons only or to gifts only. Hence, **in order to determine** whether a term is univocal or analogous, it is not enough to contemplate the term by itself; we have to find out what relation it bears to the objects denoted by it. If it has **the same relation to the objects**, it is univocal; if it has a different relation, it is analogous. This sameness or diversity of relation we discover by comparing the term with the objects which it denotes. However, this description holds true only in case our choice lies between calling a term univocal or analogous; it has not taken into account the equivocal term. The equivocal term, too, has a different relation to the objects denoted by it. Hence, difference of relation is not sufficient by itself to make a term analogous.

It is a coincidence that two ideas are expressed by an equivocal term; but it is not a coincidence that two ideas are expressed by an analogous term; these latter have one term to express them, because the objects of the ideas are related to each other. "Generous" is applied to a gift, because the gift is a manifestation of generosity in the man. The *form of "generosity,"* represented by the idea and directly signified by the term, is found only in the man; but the term "generous" is applied also to the gift, because the gift has a relation to the form of "generosity" in the man—that is, it reveals his generosity. It is owing to this relation between the objects of the two ideas that the term expressing them is called analogous. There is an analogy between the objects, and therefore the term is analogous. When there is such an analogy between the two objects, one of the objects gets its *name* from some *form* in the other object—that is, it *depends* for its name upon the form existing in the other object (or, at least, found in the other object, when it exists at all).

In order, then, to make a term analogous there must be something over and above mere difference of relation between the term and the various objects denoted by it; there must also be an analogy between the objects—that is, one of the objects must depend for its name upon that form in the other object which is directly signified by the term. We may sum this up by defining analogous term as a term which has a different but cognate relation to the various objects denoted by it (or, more briefly, a term which has a cognate relation to the various objects denoted by it). The word "cognate" in the definition indicates that the difference of relation is due to an analogy between the objects. The insertion of this word in the definition is necessary **only in order to distinguish** analogous from equivocal term. If there were no equivocal terms, but all terms

were either univocal or analogous, it would be sufficient to say that an analogous term is a term which has a different relation to the various objects denoted by it; for then we should know that the difference of relation arose from an analogy between the objects.

Let us now come to the idea. Having seen that St. Thomas and Scotus are agreed that there are univocal and analogous terms, and having determined the meaning of "analogous" and "univocal" from an analysis of their application to the term, we are in a position to define univocal and analogous idea. A univocal idea, then, is an idea which has the same relation to its inferiors; an analogous idea, if such there be, is an idea which has a different relation to its various inferiors. There is no need to insert the word "cognate" in the definition of analogous idea, for all schools agree that there is no such thing as an equivocal idea from which to discriminate it; and we shall know that if there is an analogy between two inferiors of an idea and the analogy exists in virtue of the *form* represented by the idea, the idea will have different relations to its inferiors.

We have now to inquire whether the idea of Being is univocal or analogous with reference to its immediate inferiors, viz., the Infinite and the finite, substance and accident. All these inferiors are represented by the one idea "Being." We have seen that a gift depends for its *name* of "generous" upon that form in the man which is directly signified by the term "generous," and that this is the reason why the *term* is called analogous. Hence, if we can show that the finite depends for its *form* of "Being" upon that form in the Infinite which is represented by the idea of Being, we shall prove that the *idea* is analogous. The gift is generous, because the man is *generous*, not because he is humble or learned. In like manner, if the idea of Being is analogous, the finite must be a being because the Infinite is *Being*, not because He is Omnipotent or All-wise or endowed with any other attribute; it must be a *being*, not merely an existing thing, by virtue of the form of Being in the Infinite.

In the Infinite the form of Being exists *par excellence*; it is realized in Him in all its fulness. He is essentially the Fountainhead of all Being; and the form of Being is in the finite only by participation or derivation from the Infinite Fountainhead. The finite is a being, even independently of its actual existence, only in so far as it is an imitation, a reflection, of the Being of the Infinite, and hence it is a being by virtue of a relation with the form of Being in the Infinite. The form of Being is in the Infinite primarily and absolutely; it is in the finite only by reason of an essential dependence upon the Infinite. There is therefore an analogy be-

tween the Infinite and the finite, and this analogy exists in virtue of the very form of Being. Hence the idea of Being has a different relation to the Infinite from what it has to the finite, and therefore it is an analogous idea.

We might draw the same conclusion as regards substance and accident, by reasoning from the essential dependence of the Being of accident upon the Being of substance.

Thus, we have the same reason for calling the idea of Being analogous that we have for calling the term "generous" analogous; and if Being is not an analogous idea, "generous" is not an analogous term.

Is Being also an analogous *term*? It is commonly so accounted in our text-books. "Generous," they say, is analogous by analogy of "extrinsic" attribution, and Being is analogous by analogy of "intrinsic" attribution. The term "generous" is the expression of two related ideas, and since these ideas are related because they represent two related objects, we may say that "generous" is a term which denotes two related objects. The term "Being" is the expression of one idea, and since this idea represents two related objects, we may say that "Being" is a term which denotes two related objects. Hence the general definition of analogous term would be a term which denotes two or more related objects. The related objects are called the primary and secondary analogues, the secondary being dependent on the primary analogue. "Generous" is said to be "extrinsically" analogous, because the form of "generosity," directly signified by the term "generous," is extrinsic to the secondary analogue and found only in the primary. "Being" is said to be "intrinsically" analogous, because the form of Being signified by the term "Being" is intrinsic to both analogues.

II.

St. Thomas was right, then, in laying down that the idea of Being is analogous. But still there is something to be said for Scotus' side of the question. St. Thomas and Scotus were looking at the subject from different points of view. Scotus was viewing it from the standpoint of the term, and St. Thomas from the standpoint of the idea. Scotus maintained that Being is univocal, because the term "Being" is univocal; St. Thomas that Being is analogous, because the idea is analogous. In a word, Scotus was consulting the requirements of Logic, and St. Thomas, the requirements of Metaphysics.

Logic recognizes only a dichotomous division of the term, viz., the term which can be employed in argument and the term which cannot be so employed—that is, the unambiguous and the ambiguous

term; the former it calls univocal and the latter equivocal. What is designated the "intrinsically" analogous term it puts down as univocal; for the "intrinsically" analogous term, for instance "Being," is certainly unambiguous. What is called the "extrinsically" analogous term it places under the heading of equivocal; for the "extrinsically" analogous term is ambiguous; for example: "The generous deserve the esteem and love of their fellows; this gift is generous; therefore this gift deserves the esteem and love of its fellows."

We have seen that such a term as "generous" is analogous, because it has a different relation to the various objects denoted by it. From this one might be led to argue that the term "Being" is as strictly analogous as the term "generous," because it has a different relation to the various objects which it denotes. But this is not the case; the term "Being" has not this difference of relation. The term "generous" has different relations to its objects, because the gift depends for its *name* (that is, the *term*) of "generous" upon the form of "generosity" in the man; whereas the finite does not depend for its *name* of "Being" upon the form of Being in the Infinite: the finite is *termed* "Being" from the form of Being intrinsic to itself. Hence the term "Being" has the same relation to the objects denoted by it, and therefore is a univocal term. Thus, the provision definition of univocal term, set down at the beginning of this paper, is a correct one, viz., that it is a common term which expresses one idea.

If the term "Being" is to be denominated analogous, then the word "analogous" is itself analogous by analogy of "extrinsic" attribution; for in that case the term "Being" would depend for its *name* of "analogous" upon the analogy of the *idea* of Being. But if we call the term "Being" analogous, because the idea is analogous, what is to hinder a person from saying that he has as good a right to call the idea of Being univocal because the term is univocal? If we wish to avoid confusion in the matter, the only thing to do is to keep the term and the idea distinct, and give to each the designation which properly belongs to it, calling the term univocal and the idea analogous.

Perhaps the foregoing remarks may help to explain a number of expressions which have been alternately employed and challenged by the opposite parties in the controversy. Such expressions as "analogous predication," "univocal predication" and the like are not inappropriate when we are speaking about a term; but as applied to an idea, they have no meaning. We can say that a *term* is predicated univocally of several things, because this means that the idea expressed by the term is the same in each predication. When we say that a *term* is predicated of several

things analogously or equivocally, we mean that there is a different idea underlying the term at each successive predication. But we cannot speak of predicating an *idea* univocally or analogously. The univocalness or analogy of an idea has nothing to do with the predication of that idea of any of its inferiors. Just as the universality of an idea is recognized by the mind only in the reflex idea, that is, when the mind by a reflex act has compared the direct idea with its inferiors, so the analogy or univocalness of an idea is recognized only in the reflex idea; and it is not the reflex idea which is predicated of the inferiors, but only the direct idea.² It is true, the direct idea is universal, even though it is not recognized as such by the mind; and the direct idea is univocal or analogous independently of its recognition by the mind. But the universal idea is not predicated as universal of any inferior, nor is a univocal or an analogous idea predicated as univocal or analogous of any inferior. In other words, it is a universal idea which is predicated of an inferior, but it is not predicated *universally*; in like manner, it is an analogous idea which is predicated of an inferior, but it is not predicated *analogously*. To speak of predicating the idea of Being analogously of the Infinite and the finite is like speaking of predicating "man" universally of Cæsar and Napoleon. It is the direct idea which is predicated, not the reflex; and what we predicate of a subject is what we *know* in the direct idea; and the univocalness or analogy of an idea is not *known* in the direct idea. What is predicated of an inferior is the *idea*, not its relation to the inferior; and it is in its *relation* to its inferiors that the univocalness or analogy of an idea consists. Hence, "univocal predication" and "analogous predication," as applied to an idea, are meaningless expressions.

As a matter of fact, we predicate the idea of Being of the Infinite and the finite before we know that it is analogous. We must know what the inferiors of an idea are before we know what relation it bears to them, and we cannot know the inferiors of an idea without predicating the idea of them. The very act of judging that certain objects are inferiors of a certain idea is an act of predication; and we must judge that those objects are inferiors of that idea before we can tell how the idea is related to them, that is, before we can tell whether the idea is univocal or analogous.

Perhaps the following objection might occur to the mind against the foregoing explanation: "If the analogy of the idea consists in the relation it bears to its inferiors, the analogy of the term, too, consists in the relation it bears to the objects denoted by it; and if it is wrong to speak of predicating an idea analogously, because its relation to its inferiors is not predicated along with the idea, how

² That is, of course, "*secundum id quod*," not "*secundum modum quo*."

can it be right to speak of predicating a term analogously? For surely the relation of the term to its objects is not predicated along with the term." In answer, we say that we speak of predicating a term analogously not because the term itself is analogous, not because it has different relations to its objects; our reason for so speaking is the reason which *gave rise* to the analogy of the term (that is, the *foundation* of the relations) and which led us to call the term analogous, viz., that the term has two meanings, and these *meanings* are analogous to each other. It is because these meanings or ideas are analogous to each other that we transfer the word "analogous" to the term which expresses them both. When we say that "generous" is predicated analogously of the man and the gift, we do not mean that the *term* "generous" is analogous to the *term* "generous" in the two predications, but that the sense of the term in one predication is analogous to its sense in the other. Predicating analogously means predicating in an analogous sense. But we cannot speak of predicating an *idea* in an analogous sense; for an idea cannot have two senses. In fact, it is incorrect to speak of the sense or meaning of an idea. A term has a meaning, but an idea has not. The meaning of a term is the idea behind it, and to give the meaning of a term is to give the comprehension of the idea. To speak of two senses of an idea is like speaking of two comprehensions of an idea. Where there are two comprehensions, there are no ideas.

This leads us to consider the expression "partly the same and partly different." If we were splitting hairs, we should say that it ought to read "partly alike and partly different." When referring to a term, the phrase means that the sense of the term, when applied to one object, is not so utterly unlike the sense it has, when applied to another, that there is no connection between them.³ It does not mean that the analogous term itself is partly the same and partly different. But the phrase has no meaning when we are speaking of an idea. If the phrase read "partly alike and partly different," its ineptness would be manifest. An idea cannot be "partly the same and partly different;" partly different from what? Does it mean that when the idea of Being is predicated of the Infinite, it is partly

³ In matter of fact, it is difficult to defend the expression even in reference to a term. We know that the generosity of the gift is different from the generosity of the man; we know that there is a connection between the two; but in what precisely does their sameness or resemblance to each other consist? If the generosity of the man and the generosity of the gift are partly the same, there must be some aspect in which they agree; and if there is a common aspect, that aspect can be represented by an idea. Is there any aspect under which the generosity of the man resembles the generosity of the gift besides the aspect of "Being?" But under that aspect the generosity of the man also resembles a tree and a sitting posture. The generosity of the man is a quality; the generosity of the gift is a relation.

different from the idea of Being when it is predicated of the finite? If so, then we ought in consistency to say that when the term "generous" is predicated of the man, it is partly different from the *term* "generous" when it is predicated of the gift. If this is the meaning of the statement, we have not predicated the transcendental idea of Being in both cases; we have predicated not one idea, but two separate ideas, for one idea cannot be partly different from itself. When we predicate the idea of Being of the infinite, it cannot be different in any way whatever from what is is when we predicate it of the finite. In a judgment or a proposition it is the function of the predicate to tell us something about the subject, and the only thing we learn about the subject from the proposition is what the predicate tells us—the proposition gives us absolutely no other information. The subject does not give us any information about the predicate. It is the function of the predicate to enlighten us about the subject, not of the subject to enlighten about the predicate. If the predicate of a proposition changed its meaning according to the subject, we should first have to know the meaning of the subject in order to determine the meaning of the predicate, and thus the predicate could give us no information about the subject. When we say "The finite is a being," all we know about the finite from this proposition is that it is a *being*; the proposition tells us absolutely nothing about the *mode* in which Being is realized in the finite. It would be unmeaning to say that, when the *term* "generous" is predicated of a man, it becomes "generous-hearted," and that it becomes "generously-btstowed" when predicated of a gift; for if such were the case, the term "*generous*" would not be predicated at all, but two other *terms* would be predicated. As we cannot say that the term itself is partly the same and partly different, neither can we say it of the idea. The *inferiors* of the idea of Being are partly alike and partly different: alike, because the form of Being is found in them; different, because the mode of one differs from the mode of the other. But it is only the *form* of Being which is represented by the idea of Being; the particular mode of an inferior, as such, is not represented by it at all. If, when we say "The Infinite is a being," the meaning is "The Infinite is Infinite Being," then all predication is worthless and become mere tautology.

However, there is one sense in which we can speak of sameness and diversity. There is absolute sameness in the idea of Being itself, that is, in its comprehension; and there is diversity in its relations to its immediate inferiors. But this diversity is seen only in the reflex idea of Being; it is *not* seen, because it does not exist, in the *predication* of the idea of Being, for the relations are not predicated along with the idea.

The passage from the term to the object is not immediate, as it is in the case of the idea. There are two steps from the term to the object: the object comes the idea or meaning expressed by the term; from the idea to the object there is only one. Between the term; but nothing of this sort comes between the idea and the object. If we lose sight of this, we are apt to think that what can be said of the term can also be said of the idea—that as a term can have two meanings, so can an idea also. A term has a meaning, but an idea has not: an idea *is* a meaning; and to say that an idea has two meanings is equivalent to saying that a meaning has two meanings.

If, then, we are asked, "Is Being predicated univocally or analogously of its immediate inferiors?" we answer: If you mean the *term*, it is predicated univocally; if you mean the *idea*, we deny the *suppositum* that an idea can be predicated univocally or analogously.

III.

Sometimes we see the proof of the Analogy of Being stated somewhat as follows: "The various differences of Being are not adequately distinct from Being, and hence the inferiors do not differ from each other by one part of their comprehension, while the other and if Being is not an analogous idea, "generous" analogous; and part remains in all in the same way; but they differ by their whole comprehension and hence in Being itself; hence Being exists in its inferiors in a different way, and therefore it is an analogous idea." But this does not prove that the idea of Being is analogous: all it succeeds in establishing is that the idea of Being is non-generic and non-specific. The argument, if valid, would prove that there is an analogy between two men. To show that an idea is non-generic and non-specific is not *ipso facto* to show that it is analogous. To prove the latter point, we must begin by showing that there is an analogy between the inferiors by reason of the form represented by the idea.

Some authors hold that Being, if viewed in its most abstract form without reference to its inferiors, is a univocal idea—they call it a "logical" univocal—and that it is analogous only when viewed in reference to its inferiors. But this is a mistake. The idea of Being, in its most transcendental state, is analogous, whether we view it in reference to its inferiors or not. It is not our viewing it in a particular way that makes it analogous; it is analogous independently of our way of viewing it. The idea of Being, considered transcendently, as absolutely prescinded from all its inferiors is analogous; it has different relations to its inferiors even before we compare it with them. It is necessary to compare it with its immediate

inferiors, in order that we may *know* that it is analogous. Our comparing it with its inferiors does not confer the analogy, but *discovers* it.

An objection to the analogy of the idea of Being is sometimes urged as follows: "Analogy requires that the idea should be partly the same and partly different. But the idea of Being, when prescinded from its inferiors, is perfectly the same. For in the abstract idea of Being the different modes of Being either appear or they do not. If they appear, the idea does not prescind from them. If they do not appear, there is no diversity, but perfect unity and sameness." We have already seen that it is a mistake to suppose that an analogous idea must be partly the same and partly different; and we have seen that the idea of Being, when prescinded from its inferiors, is perfectly the same. The objection says that, if the modes do not appear in the transcendental idea, there is no diversity. But there *is* diversity, not indeed in the transcendental idea itself, that is, in its comprehension, but in its relations to its immediate inferiors. And this diversity is there, even though it does not appear; it is there, though we do not see it. However, in the reflex idea of Being we do see it; and we could not see it there, unless it was there to be seen.

It may be objected that, since the idea of Being has different relations to its immediate inferiors, and since a relation implies a foundation, the foundations of these different relations must be in the idea of Being, and therefore there must be some diversity or at least the elements of diversity in the idea itself. But the foundations of these different relations are not in the idea of Being; they are in its immediate inferiors.⁴ Now, should any one say that if this is so, the idea of Being has not different relations to its immediate inferiors, but those inferiors have different relations to it, there is no objection to this way of putting it. The doctrine remains intact, if any one prefers to define univocal idea as an idea to which its inferiors have the same relation, and an analogous idea as an idea to which its inferiors have different relations. But then, to be consistent, we must define univocal and analogous term, *mutatis mutandis*, in the same way.

Lossada maintained that Being is univocal, if regarded as pre-

⁴ It is scarcely necessary to say that it is one thing to ask where is the foundation of the relation between the idea of giraffe and a giraffe, and that it is quite another to ask where is the foundation of the "similarity of relations" between the idea and two giraffes. In like manner, it is one thing to ask where is the foundation of the relation between the idea of Being and the form of Being in the finite; it is quite another to ask where is the foundation of the "diversity of relations" between the idea of Being and the form of Being in the Infinite and in the finite.

scinded from its inferiors, but that it is analogous, if regarded as contracted in its inferiors. It is not likely that Lossada would have laid down such a doctrine, if, instead of speaking of Being, he had spoken throughout of the *idea* of Being. When the idea of Being is contracted to its inferiors, it is no longer the idea of Being, but there are several other ideas before the mind, each representing a different inferior. To contract the idea of Being means to substitute for it another idea containing a more distinct representation of one of the inferiors of the idea of Being. To say that Being is analogous, if viewed as it is in its inferiors, is like saying that "animal" is generic and universal, if viewed as existing in Napoleon and in a horse. Transcendental Being does not exist in its inferiors any more than universal "animal" exists in a horse. Transcendental Being is an idea, not an existing thing.

The following argument was formerly advanced against the analogy of the idea of Being: "When there is an analogy, the secondary analogue can be defined only by means of the primary analogue. Thus, 'generous,' as applied to a gift, must be defined by referring to the generosity of a man. But Being in the finite is defined absolutely and not by a reference to the Being of the Infinite." This argument applies only to the *term* "Being" and proves that the term is univocal. It has no application to the *idea* of Being; for we do not define an idea. To define is to give the meaning, and an idea has not a meaning. In any case, to define a term is to reveal the comprehension of the idea behind the term, and the analogy of the idea of Being is not in the comprehension of that idea.

IV.

Thus far we have seen that the idea of Being is analogous with reference to its immediate inferiors. What shall we say of it as regards its remote inferiors, or as regards the nine categories of accidents considered independently of substance? There is no doubt that the *term* "Being" is univocal with respect to them. It is equally certain that the *idea* of Being is non-generic in their regard. Moreover, the idea of Being is not analogous with reference to these inferiors; for none of them depends for its form of being upon the form of Being in any of the others. The only conclusion is that the idea of Being is univocal as regards its remote inferiors. Of course, we are speaking of these inferiors in so far as they are realities, that is, in so far as they can have formal existence independently of an act of the mind. "But," it may be said, "Being is realized in these inferiors in a different way." Yes; but so is "animal" realized in a man and a horse in a different way. This is

only another way of saying that one accident is a different kind of Being from another accident, just as a man is a different kind of animal from a horse. The *form* of Being is found in each one of the inferiors; but it is not different in one from what it is in another: it is distinct, but not different; otherwise, it could not be represented by one idea. And it is the *form* of Being, and that alone, which is represented by the idea of Being. If the particular mode of any inferior enters, as such, into the idea, we no longer have the idea of Being, but the idea of the inferior.

The following objections might be made to what has been said in the preceding paragraph: "First: a univocal idea, for instance, 'man,' represents only that in its inferiors in which the inferiors are alike, whereas the *differences* between the inferiors, for example, between two men, are represented by the idea of Being, not indeed as such, but in so far as they are *beings*; for the idea of Being can be predicated of them all; and since this is so, the idea of Being with reference to its remote inferiors is not univocal, but analogous. Secondly: analogous idea has been defined as an idea which has different relations to its inferiors. Now, a different foundation gives rise to a different relation; and since among the remote inferiors of the idea of Being there is a mode in one which is not in another, and these modes are all represented by the idea of Being, it follows that the idea of Being has different relations to its remote inferiors, and therefore is analogous with reference to them."

The first objection proves that the idea of Being with reference to its remote inferiors differs from other univocal ideas. But so does a specific idea differ from a generic idea, and yet they are both univocal. If the idea of Being is universal in spite of differing from all other universal ideas, is it an argument against its being univocal with reference to its remote inferiors, to say that it differs from all other univocal ideas?⁵

⁵ There are, indeed, some authors who say that the idea of Being is not a universal idea; but they cannot define universal idea so as to exclude the idea of Being without begging the question. To show that Being is not a universal idea, it is not sufficient to say that a universal idea is "*unum commune pluribus*," and then to argue that Being is not "*unum commune pluribus*" because it is "*unum commune omnibus*." This would be equivalent to saying that an idea does not represent fifty individuals because it represents a hundred. The strict definition of universal idea is an idea representing a form which is multiplied (or multipliable) in many individuals and is identified with each. A reflex universal idea is an idea representing a form as multiplied (or multipliable) in many individuals and as identified with each. This definition applies rigorously to the idea of Being.

Since the question of universal ideas has been introduced into this paper, it may not be irrelevant to remark upon certain expressions which are current in the explanation of universals, especially as what shall be said will tend to prevent misconception of some statements in the foregoing

As regards the second objection, it is to be observed that the remote inferiors of the idea of Being are inferiors of that idea only in so far as they are *beings*, not in so far as they are *such* beings. They do not differ from each other so far as they are the *formal* object of the idea of Being, but only so far as they are the *material* object; and the material object, as such, is not represented at all

paragraphs. It is common to say that the direct idea is potentially universal and the reflex idea actually universal, that the reflex idea is formally universal, but not the direct idea, that the direct idea is capable of representing many individuals ("apta repraesentare plura"), but that the reflex idea does represent them. But this manner of speaking is apt to be misleading. The direct idea is not potentially universal; it is actually and formally universal; it is not capable of representing many individuals; it does actually represent them. What the reflex idea does is to let us see that the direct idea is actually and formally universal, that it does actually represent many individuals. If the direct idea does not actually represent many individuals, our reflecting upon it will not make it represent them. Our direct idea of "man" actually represents every existing and possible man, though we do not know that it does till we reflect upon it and compare it with its inferiors. When we reflect upon the direct idea we can see in it only what is there; and if the direct idea is only a potential and not an actual representation of many individuals, our reflection upon it can only reveal that it is a potential representation. What is the meaning of the expression "potential universal" and "capable of representing?" Do they mean that the direct idea is in potency, that it has an aptitude, to represent those individuals which we shall see that it represents? Is it not plain that the potency and the aptitude is not in the direct idea itself, but in our knowledge of the direct idea? The mind is in potency, the mind has an aptitude, to recognize the universality of the direct idea. If the inferiors of an idea are all perfectly similar as regards the form which is represented by the idea, then they are all actually and formally represented by the idea, whether or not we see that they are. When we say that the direct idea represents a form, we mean that it is like the form, just as the portrait of King George is like King George; and it is obvious that the portrait is actually and formally like the King, whether we compare it with him or not. But if the direct idea is like the form, it is like the form wherever the form is found, no matter what be the number of individuals in which it is multiplied, because the form as it is in one individual is, though distinct, perfectly like the form as it is in all the other individuals. In the reflex idea we see the relation between the direct idea and the inferiors, and we could not see this relation unless it was there before we compared the direct idea with its inferiors. In matter of fact, if the formal universality of the idea depended on our comparing it with the inferiors, we could have very few universal ideas; for then we could not have a universal idea without having made a complete induction. We can only compare the direct idea with a relatively small number of individuals, but we know that in spite of the small number of individuals with which we compare it the direct idea does in fact actually and formally represent an indefinitely larger number of individuals, and it is for this reason that we call it a universal idea. What we have said is borne out by the definition of universal idea which is frequently employed, viz., that it is a form which can be predicated of many individuals distributively and identically ("per identitatem"). This is a definition of a direct universal idea, first, because only the direct idea can be predicated of an individual; secondly, because in the reflex idea

by the idea of Being, and hence it has *no* relation to that idea.⁶ We did not prove that the idea of Being is analogous with reference to the Infinite and the finite from the fact that the finite differs from the Infinite. That would have been no proof at all; for the Infinite, *as* Infinite, and the finite, *as* finite, are not represented by the idea of Being. Nor did we base our proof on the supposition that the form of Being in the finite is different from the form of Being in the Infinite; for that would have been a false supposition. Though these forms are distinct from each other, there is absolutely no difference between them, but perfect similarity; otherwise they could not be represented by the same idea. Nor, again, did we say that a mere glance at the immediate inferiors of the idea of Being was sufficient to show that the form of Being in the finite is analogous to that in the Infinite. We relied for the data of our proof upon a long series of proofs which is developed in Natural Theology, and in which it is shown that the form of Being in the finite, even in the state of possibility, is a reflection or imitation of the form of Being in the Infinite. If we look merely at the form of Being in the Infinite and in the finite, we cannot tell whether the form in the latter is analogous to that in the former. But if we *know* from the proofs of Natural Theology or otherwise that it is a reflection or imitation of the form of Being in the Infinite, then we can draw our conclusion that the form in one is analogous to the form in the other, and that consequently the idea which represents them both is an analogous idea. And this is precisely what we had to do in regard to the analogous term. From the mere fact that a gift is *called* "generous," we cannot argue that "generous" is an analogous term; in order to determine this, we must first know *why* the gift is called "generous." In like manner, from the mere fact that the finite *is* a being, we cannot conclude that Being is an

the form is no longer merely capable of being predicated, but is actually predicated of every inferior with which we compare it. But the form could not be predicated of many individuals distributively and identically, unless it actually and formally represented many individuals. The chief fault to be found with this definition is that it does not tell us what a direct universal idea is, but what can be done with it. This, of course, would not be an objection at all, if there were no other way of defining universal idea and if the definition were not practically misleading. Another objection to the definition is that the elements in it cannot easily be employed in framing a definition of reflex universal idea.

⁶ Even if it could be proved that the idea of Being had different relations to its remote inferiors, it would not follow that it was analogous with reference to them; at the utmost, it would be equivocal with reference to them. In order that the idea of Being should be analogous with reference to two inferiors, one of those inferiors must derive its form of Being from the form of Being in the other; it must be a being because the other is a being. It is not sufficient that it should derive its existence from the productive power of the other.

analogous idea; we must first know *why* the finite is a being. It is the "*why*" in both cases which furnishes us with the proof of the analogy.

Here we may be charged with inconsistency. "You said in a previous paragraph that the predicate of a proposition enlightens us about the subject, not *vice versa*; but you have just laid down that we must know something about the subjects of which 'generous' and 'Being' are predicated, in order to tell whether they are analogous; and thus you are using the subjects to throw light upon 'generous' and 'Being.'" These two statements are not inconsistent with each other. We did not say that we must know about the subjects of which "generous" and "Being" are predicated in order to find out the *meaning* of "generous" and "Being," but to determine whether they are *analogous*, and analogy is a relation, not a meaning.

Another word on this last point may, perhaps, make it clearer. When we speak of the "subject," we have to settle whether we are referring to a judgment or to a proposition, and if to a proposition, whether we are considering the term, which is subject, as having or not having a definite idea behind it. If the term has no definite idea behind it, then the subject depends absolutely upon the predicate for its interpretation, both as to its meaning and its "supposition;" thus, "Man is a redeemed creature, an animal, a species, a substantive, a word of three letters, an island in the Irish Sea." If we are speaking of a judgment, the subject is an idea, and it does not depend on the predicate for its meaning or supposition, for an idea has not a meaning or a supposition; but it does depend on the predicate to throw light upon the object which is represented by the idea. If what the predicate represents is already explicitly known about the object, it is futile for the mind to predicate it of the subject, except for the sake of securing consistency in its judgments and reasonings. When the subject of a proposition is a term with a definite idea underlying it, the subject does not determine the meaning of the predicate, but it determines which of the several meanings of an ambiguous term is consistent with it. It does not determine what shall be predicated of it, but what shall not be predicated. If some one says, "Peter Jones is generous," we know that he does not mean "Peter Jones is liberally donated," for such a predicate is inconsistent with the subject. In a word, our knowledge of the subject does this for us; it enables us at times to decide which of the various meanings of a term is intended, if the term is predicated at all. But it does not even do this, if two meanings of an ambiguous term are consistent with the subject as it is known to us. "John Smith is a story-teller;" does this mean that John Smith is a liar or that he is a relater of tales? We cannot decide unless

we know whether John Smith is an upright man; and we have to ask for further information—that is, for another predicate. When a term is predicated of a subject, we do not look at the subject to learn the meaning of the term; we appeal to convention, for it is convention which has affixed the meaning to the term. But there can be no appeal to convention when there is question of a judgment and not of a proposition; for a judgment is composed of ideas, not of terms, and convention has no power to decree that such or such a form shall be represented by a given idea.⁷

What has been said of the idea of Being is true of all *ideas* that can be predicated of both the Infinite and the finite, viz., they are analogous.⁸ Such ideas as Mind, Will, Power, Life, Duration can be predicated of both the Infinite and the finite, because they involve no imperfection; there is neither infinitude nor finiteness implied in them. Whatever imperfection or limitation there is, is in the material object, not in the formal. When the *term* "mind" is predicated of the Infinite and the finite, it expresses absolutely the same idea or meaning, and hence it is predicated univocally, though the idea underlying it is analogous. But it is unmeaning to say that we predicate the *idea* of Mind analogously of the Infinite and the finite. We may *speak* of two objects in an analogous sense when using the same *word*; but we cannot *think* of two objects in an analogous sense when using the same *thought*.

V.

Before concluding, it may not be out of place to make a few observations concerning the two kinds of analogy, viz., analogy of attribution and analogy of proportion. What is called analogy of "extrinsic" attribution is in reality analogy of the term, and analogy of "intrinsic" attribution is analogy of the idea. The words "uni-

⁷ Of course, we may learn something about the subject by analyzing it. Analysis may be defined as the process of examining a subject for the purpose of rendering explicit what is implicit in our knowledge of the subject. Our knowledge of a subject becomes explicit, that is, our conscious knowledge of it increases in proportion as we predicate of the subject what we have discovered by this examination. But we do not examine the subject for the purpose of throwing light upon what we discover in it. The aim of analysis is to increase our knowledge of the subject, and if what we discover in the subject is itself obscure, the subject cannot throw any light upon it, for, by hypothesis, the subject is previously unknown as regards that aspect of it which we have discovered by analysis.

⁸ Sometimes we speak of a visitation, such as a plague or an earthquake, as the "will" of God. The term "will" with reference to God and such a visitation is analogous by analogy of attribution. Such terms as "angry," "repenting," "resting" with reference to God and creatures are analogous by analogy of proportion.

vocal," "analogous" and "attribution" belonged originally to the term and were transferred thence to the idea. The term "generous" is called analogous by analogy of attribution, because "generous" is *attributed* to the gift on account of the connection of the gift with the generosity of the man. The idea of Being is not attributed to the finite; but we employ the word "attribution" to designate the analogy of the idea, because the analogy of the idea is exactly parallel to the analogy of attribution of the term; that is, the reason which we have for calling a term analogous, when there is analogy of attribution, is our reason also for calling an idea analogous, viz., that the secondary analogue has a relation of dependence upon the primary.⁹ And as we call such analogy of the term analogy of attribution, we may apply the same designation to the analogy of the idea.

Is the idea of Being also analogous by analogy of *proportion*? Some authors hold that it is. Their argument runs somewhat as follows:—We speak of a pleasant field as "smiling," and of a courageous man as a "lion," and we do so by analogy of proportion; for there is a proportion between the pleasant appearance of a field and a smile on a man's countenance, between the courage of a man and the courage of a lion; that is, the pleasant appearance of a field is to the field as the pleasant appearance (the smile) of a man's countenance is to his countenance, and the courage of a man is to the man as the courage of a lion is to the lion. Now, the Being of the Infinite is to the Infinite as the Being of the finite is to the finite. Since in the first two cases "smiling" and "lion" are analogous by reason of a proportion, therefore Being is analogous by reason of a proportion.

The foregoing argument suggests the following remarks: To have analogy of proportion, three conditions must be fulfilled. First, the relations between the elements on both sides must be the same; that is, similar. For instance, we cannot say that the pleasant appearance of a field is to the field as a scowl on a face is to the face. Secondly, one or other of the two elements on one side of the proportion must derive its name (or be itself derived) from the other side. If we simply said "pleasant field," instead of "smiling field," or if we called a man "courageous," instead of "a lion," there would be no analogy in spite of the proportion. Thirdly, the term (or idea) which is analogous must denote (or represent) an

⁹ The form of Being in the Infinite and the form of Being in the finite are related and alike, but not different. The generosity of a man and the generosity of a gift are related and different, but not alike. The parallel between the analogy of the term and the analogy of the idea consists in the relation of dependence of the secondary analogue upon the primary in one case for name, in the other for a form.

element on each side of the proportion. Thus, "lion" would not be an analogous term, if it did not stand for a man as well as a lion. The first condition is necessary, in order to have *proportion*; the second and third, in order to have *analogy* of proportion.

The proportion in the argument reads: "The Being of the Infinite is to the Infinite as the Being of the finite is to the finite." As the proportion stands, both of the elements on the right side are derived from the left. Since there is no idea representing both the Infinite and the finite, as such, the analogy cannot pertain to these two elements. The question is, Is there an idea representing both Being of the Infinite and Being of the finite? This question can be answered only by determining what is meant by Being of the Infinite and Being of the finite. Does it mean Being of the Infinite, as such, and Being of the finite, as such; that is, the *material* object of the idea of Being? If so, then they are not represented by the idea of Being, since they are two different forms; one idea can represent only one form—or, if we will, two distinct, but not two different forms. We are endeavoring to discover by means of the proportion whether the idea of Being is analogous; and the idea of Being, to be analogous, must represent an element on each side of the proportion. But the only thing represented by the idea of Being is the form of Being; consequently, the form of Being must be one of the elements on each side of the proportion. Our proportion, then, will read: "The form of Being is to the Infinite as the form of Being is to the finite." Now it is to be observed that, if the form of Being has a different relation to the Infinite from what it has to the finite, there is no proportion; if it has the same relation, what warrant have we for calling the idea representing it an analogous idea? And how shall we discriminate it from a univocal idea? The animality of a horse is to the horse as the animality of a man is to the man; here there is a proportion, and yet "animal" is a univocal idea.

But we have not yet got to the root of the question. A term which is analogous by analogy of proportion is a term expressing two ideas (or objects) which have the same relation to a third idea (or object.) Thus, in the example above, "lion" denotes a lion and a man, because the lion and the man, as courageous, have the same relation to "courage;" "smiling" is a designation of a countenance and a field, because, as pleasant, they have the same relation to "pleasant appearance." Thus we find that there is a fourth condition required to make a term (or idea) analogous by analogy of proportion, viz. that the ideas or objects denoted (or represented) by it shall have the same relation to a third idea or object. According, therefore, to analogy of proportion an analogous idea

would be defined as an idea representing two objects (that is, inferiors) which have the same relation to a third object. But can this definition be applied to the idea of Being? Our proportion is, "The form of Being is to the Infinite as the form of Being is to the finite." What are the two objects represented by the idea of Being? Are they the Infinite and the finite? But the Infinite and the finite, as such, are not represented by the idea of Being. And is the third object the form of Being? But this is the *only* object represented by the idea of Being.

The Infinite, as such, and the finite, as such, are not represented by the idea of Being; they are represented only as *beings*—that is, in so far as they have the form of Being. In order, then, to make it clear that we are speaking of them as *beings*, and to bring out what it is to which they are related, the proportion will have to assume the following shape: "The form of Being in the idea of Being is to the form of Being in the Infinite as the form of Being in the idea of Being is to the form of Being in the finite." The form of Being in the finite is derived from the form of Being in the Infinite; for it is a reflection of the latter, and is a form of Being only by virtue of a relation with the form of Being in the Infinite; hence, the form of Being in the finite is analogous to the form of Being in the Infinite, and hence also the idea which represents the form of Being is analogous. But the proportion we are considering does not determine the analogy of this idea. It fails of its purpose for two reasons: First, an idea which should be analogous by analogy of proportion is defined as an idea representing two objects (inferiors) which have the same relation to a third object. The form of being in the Infinite and the form of Being in the finite are both represented by the idea of Being; but there is no third object to which they have the same relation; for the form of Being in the idea of Being is the idea of Being. Secondly, the form of Being in the Infinite and the form of Being in the finite have *different* relations to the form of Being in the idea of Being, and therefore there is no proportion.

We may sum up the remarks in the last three paragraphs as follows: The proportion, "The Being of the Infinite is to the Infinite as the Being of the finite is to the finite," is a true proportion only in case the Being of the Infinite and the Being of the finite are taken as the *material* object of the idea of Being; for it is only as the material object that they can have the *same* relation respectively to the Infinite and the finite. But if they are taken as the material object of the idea of Being, they are not represented by that idea at all, and hence the idea of Being is neither analogous nor univocal

with reference to them, for it has no relation to them as material objects.

In matter of fact, proportion cannot serve us in determining the analogy or univocalness of *any* idea. "The animality of a horse is to the horse as the animality of a man is to the man." If, as in the case of the idea of Being, we construct this proportion so as to make it clear that we are referring to the formal and not to the **material object of the idea of "animal,"** we shall find ourselves in presence of the same difficulty which confronted us in the instance of the idea of Being, viz., that there is no third object to which the form of "animal" in the horse and the man has the same relation.

What has been said of the proportion as it stands in the argument must also be said of the following proportion: "The existence of the Infinite is to the Infinite as the existence of the finite is to the finite." This proportion is true only in case "existence of the Infinite" and "existence of the finite" are taken *materially*, and consequently are two different objects and are represented by two different ideas. If they are taken in this way, we have no analogy; for the form of Being in the Infinite and the form of Being in the finite would not have the same relation to a *third* object, but to *two different* objects. If we say, "Existence is to the form of Being in the Infinite as Existence is to the form of Being in the finite, we have no proportion; for these two objects have respectively a *different* relation to Existence. The form of Being in the Infinite is *essentially* Existence, but the form of Being in the finite is not.

We may therefore conclude that an idea cannot be analogous by analogy of proportion. A *term* may be analogous in this way, because a term may denote two ideas or objects which have the *same* relation to a *third* idea or object. "Lion" is analogous, because the lion and the man, as possessing courage, have the same relation to "courage." "Courage" is here taken formally; for we are comparing the man with the lion as regards the possession of courage, and we could not compare them together in this respect, unless we had a common basis of comparison,—that is, unless "courage" was taken as the *formal* object of the idea of "courage."

Here we may be confronted with the following objection: "By your principles you are prevented from calling 'lion' analogous. 'The courage of a man is to the man as the courage of a lion is to the lion.' You will have to say that here, too, there is no proportion, unless 'courage of a man' and 'courage of a lion' are taken *materially*. You will have to say that 'courage,' considered *formally*, has a different relation to its inferiors, the man and the lion.

Thus, you will be contradicting what you laid down in the beginning, viz., that a univocal idea is an idea which has the same relation to its inferiors; for surely you will maintain that 'courage' is a univocal idea." Our answer is that "courage," considered formally, has not a different relation respectively to the man and the lion; it has *no* relation to the man and the lion, as such; for the man, as such, and the lion, as such, are not the formal, but the material object of the idea of "courage." If we were trying to prove that "lion" or "courage" is an analogous *idea*, the objection would shatter our whole argument. We say that "lion" is an analogous *term*, and that it would not be an analogous term, unless "courage" was taken formally. "Well, then," the objector will continue, "your proportion will have to read, 'The form of courage is to the lion as the form of courage is to the man.' But the form of courage has a different relation to the man from what it has to the lion; for the courage of the lion differs from that of the man, just as the animality of a horse differs from that of a man." We grant that, if we attempted to arrange the proportion in this way, there would, strictly speaking, be no proportion at all. In order to bring out the full implication of the **original proportion**, we must state it thus: "The form of courage in the idea of courage is to the form of courage in the man as the form of courage in the idea of courage is to the form of courage in the lion." Now, the form of courage in a man and in a lion has the same relation to the form of courage in the idea of courage. If we were trying to prove that the *idea* of *courage* was analogous on account of this proportion, we should be met with the difficulty that there is no third object to which the form of courage in the man and in the lion has the same relation. In this case, the idea of courage is an idea representing two objects which have the same relation to itself, not to a third object; for the form of courage in the idea of courage *is* the idea of courage. But what we say is, that the *term* "lion" is analogous, because it stands for two ideas or objects which, inasmuch as they have the form of courage, have the same relation to the form of courage in the idea of courage.

When we are speaking of a term or an idea, the expression "analogous with reference to two objects" means essentially "having different relations to two objects." "Lion" denotes a lion directly; it can denote a man only because the man, being courageous, has the same relation as the lion to "courage." "Generous" is applied to a man directly; it can be applied to a gift only because the gift has a relation to the form of "generosity" in the man. The idea of Being represents the Infinite, because He is Being itself; it can represent the finite only because the form of Being in the finite *is* a form of Being by virtue of a relation to the form of

Being in the Infinite. A gift is *called* "generous," because of a relation, and therefore the *term* "generous" is analogous. The finite *is* a being, because of a relation, and therefore the *idea* of Being is analogous.

Our answer, then, to the question, "is Being analogous or univocal?" is as follows: First, the *term* "Being" is univocal; secondly, the *idea* of Being is analogous with reference to its immediate inferiors; thirdly, the idea of Being is univocal with reference to its remote inferiors and the nine categories of accidents considered apart from substance; fourthly, the idea of Being with reference to its immediate inferiors is analogous by analogy of attribution, and not by analogy of proportion.

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PROTESTANT USES OF THE ADESTE FIDELES.

AN ANECDOTE of the Spanish-American War may fitly introduce a discussion of the Protestant uses of the great Christmas hymn. The story is told in the "Sunday School Times" for December, 1901, by Lieutenant Colonel Curtis Guild, Jr., late Inspector General of the Seventh Army Corps; and the Rev. Dr. Benson, a Presbyterian hymnologist, pleasantly closes his account of the favorite Protestant hymn, "How Firm a Foundation, Ye Saints of the Lord,"¹ with a quotation from that source.

The Seventh Army Corps was encamped along the hills at Quemados, near Havana, Cuba, and (says Dr. Benson) "on Christmas eve of 1898 Colonel Guild sat before his tent in the balmy tropical night, chatting with a fellow-officer of Christmas and home. Suddenly from the camp of the Forty-ninth Iowa rang a sentinel's call, 'No. 10; 12 o'clock and all's well!'" Dr. Benson continues with a quotation from the "Sunday School Times:"

"It was Christmas morning. Scarcely had the cry of the sentinel died away when from the bandsmen's tents of that same regiment there rose the music of an old, familiar hymn, and one clear baritone voice led the chorus that quickly ran along these moonlit fields: 'How Firm a Foundation, Ye Saints of the Lord!' Another voice joined in, and another, and another, and in a moment the whole regiment was singing, and then the Sixth Missouri joined in, with the Fourth Virginia and all the rest, till there, on the long ledges

¹ Studies of Familiar Hymns, p. 47.

above the great city whence Spanish tyranny once went forth to enslave the New World, a whole American army corps was singing:

'Fear not, I am with thee, O be not dismayed;
I, I am thy God, and will still give thee aid;
I'll strengthen thee, help thee and cause thee to stand,
Upheld by My righteous, omnipotent hand.'

The Northern soldier knew the hymn as one he had learned beside his mother's knee. To the Southern soldier it was that and something more—it was the favorite hymn of General Robert E. Lee, and was sung at that great commander's funeral.

"Protestant and Catholic, South and North, singing together on Christmas day in the morning—that's an American army!"

This interesting anecdote tells us of a curious mixture—a familiar Protestant hymn sung to the tune of the "Adeste Fideles!" I style the hymn "familiar," because it has the distinction of being one of the twenty-five included in Dr. Benson's "Studies of Familiar Hymns." But I must confess that not until very recently did I become acquainted even with its existence. But since that time I have found the old, sweet melody of the "Adeste Fideles" doing duty for quite a number of different Protestant hymns which, like "How Firm a Foundation, Ye Saints of the Lord!" have no relation whatever to Christmas. And, meanwhile, our tune has also formed the musical vehicle for carrying adown the years many a translation, by Protestant and by Catholic pens alike, of the Latin words of our most loved Christmas hymn. We thus find ready made for us the two related topics which I shall discuss in this paper, namely, the Protestant translations of the hymn sung to the traditional tune, and the wholly original Protestant hymns also set to the same melody.

Before taking up these two points, however, the anecdote naturally suggests some appropriate reflections to the thinking mind. The first is that Colonel Guild was probably mistaken in his belief that the clear baritone voice was singing the hymn "How Firm a Foundation," etc. For the sentry had just announced the hour of midnight on Christmas eve, and the festival day had begun—Christmas had been ushered in! Is it likely that the time and the place would suggest a hymn having no relation at all to the great feast day? Is it not altogether more probable that the soldier from Iowa was singing either the "Adeste Fideles" or its equivalent in some English translation? The good Colonel heard the tune and naturally associated therewith the words he knew best. But the soldiers—Catholic and Protestant—must have mixed their words sadly; for the Catholic would know only the words of the real Christmas hymn, the "Adeste

Fideles," and the Protestant soldiers might be singing various English renderings of the Latin words, or any one of several other Protestant hymns than the one conjectured by Colonel Guild. They, for instance, might be singing any one of the following hymns, all of which I find in the Protestant hymnal entitled "Hymnal Companion to the Prayer Book,"² set to the tune of the "Adeste Fideles:"

No. 20—"Come Hither, Ye Faithful, Triumphantly Sing."

No. 368—"How Firm a Foundation, Ye Saints of the Lord."

No. 393—"Unchangeable Jesus, Thy Praises We Sing."

No. 520—"I Once Was a Stranger to Grace and to God."

Or they might be singing to the tune of the "Adeste Fideles" any one of the many other Protestant hymns—a partial list of which I shall give further on—which have been wedded to a melody never meant for them. With respect to the four hymns whose first lines I have just given, it is interesting to note that No. 20 is a direct translation of the Latin words of the "Adeste Fideles," and is no other, indeed, than the excellent one of Father Caswall; that No. 368 is the one hymn exercising a queer monopoly in Colonel Guild's mind, and that, as I have said, either of these two, or any one of the four, might easily have been chosen by one or other of the soldiers, while, perhaps, all four were simultaneously sung—together with the Latin words of the "Adeste" itself—by the boys of the American army corps. The date of publication of the hymnal, 1885, would permit such a conclusion, for the anecdote concerns a time thirteen years later.

Our next reflection on Colonel Guild's anecdote might naturally be one of surprise that the memory of the Christmas season—and of the grand old melody of Christmas then being sung—should not have softened the heart of the Colonel and have led him to omit his reference to "the great city whence Spanish tyranny once went forth to enslave the New World." If the gentle memory of Christmas could not seal his lips, a limited knowledge of history should have reminded him that it was Spanish faith and heroism that gave the "new World" to civilization, and a sense of humor should have forbidden, from the lips of an American, all references to slavery. The Colonel's duty, as he saw it, was to fight the Spaniards. But it never is a brave soldier's duty or, indeed, his characteristic to slur his enemy. He leaves that phase of the world-conflicts to the scurvy politician and the stay-at-home patriot. The good Colonel, however, was writing for the "Sunday School Times," and doubtless thought it desirable to salt his anecdote with some bitterness for the sake of the rising generation of Americans.

Our third reflection is one of agreement with the thought of Dr.

² Boston: Oliver Ditson & Co., 1885.

Benson that in the case of the hymn, "How Firm a Foundation," etc., "very likely the stirring tune to which it has for so long been sung throughout the United States is partly responsible for this popularity" which he ascribes to the hymn. It would, indeed, appear to be so; for he tells us that the hymn "never gained a foothold within the Church of England. It is not sung by the Wesleys or Presbyterians of Great Britain, and but little by the Congregationalists. Dr. Horder, the best known hymnologist among the latter, speaks of it in his 'Hymn Lover' as a hymn of no great merit. Its use over there is mostly among Baptists." In America, on the other hand, "few hymns have been sung more generally or more enthusiastically." It seems very probable, therefore, that the popularity of the hymn in America is due almost wholly to the grand old tune which it has laid violent hands upon rather than to its own hymnodal merits; for it is English in provenience, but is very little sung in England.

With respect to this American practice of taking the tune which originally was (and in Catholic circles still is exclusively) used for the "Adeste Fideles," and using it as a vehicle that can make a Protestant hymn "go," Dr. Benson thinks that "if any one has felt a sense of impropriety in divorcing the old Christmas music from its proper words, surely he may feel that it came to its own again that morning" of Christmas Day, 1898, along the hills at Quemados, near Havana. I must confess that I cannot share this amiable view; for I think that it would have been immeasurably more proper for the camping soldiers to have had their minds directed on that Divine morning to the Prince of Peace as a little Babe lying helpless in the manger at Bethlehem, or to the peaceful shepherds listening in wonder as the message of the angels heralding peace on earth to men of good will filled their rapt souls with unspeakable delight, or even to the moral that should be humanly drawn from the whole fragrant memory of peaceful Christmas days spent at home with gentle mothers or wives or sisters. The tune of the "Adeste Fideles" has a prescriptive right to an indissoluble union with the words of that hymn. So far as is known, the tune has never had a prior engagement to any other words.³ And, in point of fact, the tune really speaks of Christmas only to our ears.

A fourth—and at least for the present a final—reflection on the anecdote concerns the statement of Colonel Guild that "the Northern soldier knew the hymn (sc. "How Firm a Foundation," etc.) as one he had learned beside his mother's knee." A thoughtful reader is not inclined to quarrel with the sentiment of this pathetic touch, but rather with its historical accuracy and its argumentative cogency.

³ Cf. "The Tune of the Adeste Fideles" in the REVIEW for January, 1915.

We are asked to believe that, to the tune of "Adeste Fideles," a whole American army corps was singing a specified Protestant hymn whose general character is a little suggestive of a polemical religious battle-cry. Now in the following pages of the present paper I will show that in America alone more than a score of Protestant hymns have been set to the tune of the "Adeste Fideles." At least five of these have survived and are given in recently published hymnals, such as "The Hymnal Companion to the Prayer Book" (1884) and the "Hymnal of the Methodist Episcopal Church" (1900). Why should we suppose that only a certain specified one of these was being sung by (the Protestant portion of) the American army corps? But, more particularly, why should we suppose that this specified hymn had been learned piously at a mother's knee? My question sounds almost jocose and flippant, but is nevertheless meant seriously.

The serious character of the question is based on the very curious and practical coincidence that in the very year of 1898 (when the American army corps was in Cuba singing on Christmas morning) Dr. Benson published his little volume entitled "The Best Church Hymns." In its preparation he collated 107 Protestant hymnals and had them vote, as it were, on the best hymns. His desire was to find out the hymns which were in the widest use only, and he considered eighty per cent. as the proportion of hymnals that should entitle a hymn to be placed in the first rank. In addition to his own collation, he used those which had been made by the Rev. Dr. King for the Church of England hymns, and by the Rev. Dr. R. E. Thompson for American Protestant churches. Out of the 106 hymns thus obtained, his application of the eighty per cent. rule gave him thirty-two hymns. These hymns he treats in his little volume—and "How Firm a Foundation" is not found there. This is a coincidence which is made curious by the fact of the same date, 1898, covering both the singing event in Cuba and the issuance of the little volume of Dr. Benson. "How Firm a Foundation" is not, then, a great hymn for English-speaking Protestants, as it is not found in eighty per cent. of the hymnals comprised in the three collations. The inclusion of Dr. King's collation (representing hymnal popularities in the Anglican Establishment) makes an inference difficult; and we should be glad to learn simply of the popularities enjoyed by various hymns in America, as represented by the collections of Drs. Benson and Thompson.

However this may be, we may consider that an American soldier fighting in Cuba in the year 1898 was presumably a little child some twenty years before that date; that is, about the year 1878. The question naturally arises, Had "How Firm a Foundation" quite

swept the country by that earlier time? It certainly had not swept English-speaking lands, for it is not found, in the year 1898, in the triple collation and the eighty per cent. of Dr. Benson's labors. Very recently indeed it has become popular in America, because of the splendid tune to which it has at length been wedded—the tune of the "Adeste Fideles." But its popularity is still somewhat uncertain. Thus the Protestant hymnal, "In Excelsis," published in 1900 by the Century Company of New York, which contains 305 titles, does not include the hymn "How Firm a Foundation" at all—and this hymnal appeared two years after the date when the whole American army corps was singing that hymn "suddenly," without preparatory rehearsal of words or of music! But this hymnal does give the tune of the "Adeste Fideles" and, very properly, makes it serve for Canon Oakeley's translation of the Latin words. Eight years later, however, the same publishing house issued the "Chapel Edition of Hymns of Worship and Service (New York, 1908), which includes Oakeley's translation, as also the hymn "How Firm a Foundation," set to the melody of the "Adeste Fideles." These two hymns, set to our tune, are found also in the Presbyterian "Chapel Hymnal" (Philadelphia, 1907). Finally, in the year 1913 Ginn & Co. published "Hymns for Schools and Colleges," containing 264 titles, and including "How Firm a Foundation" as the only text set to the tune of the "Adeste Fideles." All this comparison of dates would appear to suggest that "How Firm a Foundation, Ye Saints of the Lord" was not widely popular before the year 1898, but is gradually growing in favor since that date. Although Dr. Benson could not include it in his "The Best Hymns" (1898), he did find room for it in his "Studies of Familiar Hymns" (1903)—this later volume perhaps helping to create a larger vogue for the hymn. What I have desired to show is simply that the interesting anecdote about that Christmas morning in Cuba shrinks notably in plausibility when it is examined with any minute attention. Its appositeness to our present theme lies in the fact that it very charmingly illustrates the splendid value of the tune. And now, with freer minds, we may discuss the uses made by Protestants of the words and the tune of the great Christmas hymn.

I. PROTESTANT TRANSLATIONS OF THE TEXT.

The Latin text is obviously of Catholic authorship.⁴ Very appropriately, therefore, the earliest translations into English are also Catholic. In the year 1760 the first version into English appeared in the "Evening Office" of the Church in English and Latin, published in London. Apparently the next translation ("Come,

⁴ Cf. "The Text of the Adeste Fideles" in the REVIEW for October, 1914.

faithful all, rejoice and sing") is given anonymously in four stanzas of five lines in "Every Families' Assistant at Compline, Benediction," etc., issued in 1789. The third translation in order of dating appears to be of Protestant authorship:

Hither, ye faithful, haste with songs of triumph,
 To Bethlehem go, the Lord of life to meet;
 To you this day is born a Prince and Saviour;
 O come and let us worship at His feet.

Julian's Dictionary of Hymnology (second edition, London, 1907) quotes the first line, with the indication of source as the "American Presbyterian Psalms and Hymns" (Philadelphia, 1843, No. 174). I found it, however, in a much earlier Catholic collection⁵ of hymns, litanies, anthems, etc., published in the year 1805 and "dedicated by permission to the Right Rev. John Carrol (*sic*), Bishop of Baltimore." This collection, which was edited by Benjamin Carr, is entitled "A New Edition, with an Appendix, of Masses, Vespers, Litanies, Hymns and Psalms, selected and arranged for the use of the Catholic Church in the United States of America." As this Catholic collection antedated the Presbyterian hymnal by thirty-eight years, I supposed that the translation was a Catholic one, and so stated in an article on the "Adeste Fideles" contributed to the "Catholic Educational Review" for January, 1915. My surmise was probably incorrect; for the translation was given in Cole's "Episcopal Harmony" (Baltimore, 1811) with a prefatory note declaring that "The following translation from the Latin hymn 'Adeste Fideles,' although not set forth by the General Convention, has been frequently sung as a Prelude to the services of Christmas Day. See Dr. Hobart's Festivals and Fasts, page 135." Dr. Hobart's volume appeared in 1804—a year earlier than Carr's Catholic collection of hymns—and it is not unlikely that Carr borrowed the version from that source.⁶

⁵ Preserved in the library of the American Catholic Historical Society, Philadelphia.

⁶ Mr. James Warrington informs me that Hobart's volume was an American edition of Nelson's work (published in England in the second half of the eighteenth century). The translation was apparently popular in America exclusively, in the early years of the nineteenth century, for besides the reference to Hobart's volume and the inclusion of the version in Cole's hymnal, it also appeared in Woodward's *Ecclesiæ Harmonia* (second edition, Philadelphia, 1809). As Julian's Dictionary knows of no earlier source than the American Presbyterian hymnal of 1843, it is fair to suppose that the translation was inserted by Dr. Hobart in Nelson's work. As I have not access to either the English publication or its American edition, I can throw no light upon the subject. At all events, my supposition that it had first appeared in Carr's volume, and that therefore it was of Catholic origin, seems to be untenable.

The following early translations by Protestant pens are noted by Julian in his Dictionary of Hymnology (second edition, London, 1907):

1805—"Orthodox Churchman's Magazine" (November): "Ye faithful come, triumphant come."

1808—"The Ashbourne Collection," Uttoxeter: "Raise we our voices to the Lord of Glory."

1816—"Dr. Sutton's Psalms and Hymns," Sheffield: "Believers assemble, come with songs to Bethlehem."

1820—"Psalms and Hymns," Burnley: "Ye faithful, triumphant enter into Bethlehem."

1821—Basil Wood, "Psalms and Hymns:—" "O come, all ye faithful, joyful triumph raising."

In 1830 appeared a translation which partly combined the English and the French centos of the Latin text, and which probably was of Catholic origin: "With hearts truly grateful," etc. It has remained popular ever since in American Catholic hymnals, although very poor from a literary standpoint. It is found in "A Collection of Psalms, Hymns, Anthems," etc., with the Evening Office of the Catholic Church throughout the United States, published in Washington, D. C. Ten years later (1840) Canon Husenbeth's "Missal for the Use of the Laity" (third edition, London) gave a new translation: "O come, all ye faithful, raise the hymn of glory." It may seem surprising that the "Roman Missal for the Use of the Laity," published in London in 1806, should have only the Latin text of the hymn, although it gives the "Dies Irae" in both Latin and English verse.

In 1837 appeared J. Chandler's version, "O come, ye faithful, and your homage bring." In 1841 two Protestant versions were sung—that of J. Meade in the "Selwood Wreath" ("Ye faithful souls, approach and sing") and that of the Rev. F. Oakeley ("Ye faithful, approach ye"). Julian says that Oakeley's version "was never published by the translator, but came into notice by being sung in his chapel" in Margaret street, London. Oakeley became a Catholic in 1845, and his translation has been popular with both Catholic and Protestant hymnal editors ever since. Dr. Flood says that his translation was published in 1844, but does not give the title or place of publication of the work in which it appeared. Julian says it appeared in the "Wellington College Hymn Book," 1863, and in the "People's Hymnal," 1867. It is a curiosity of hymnology for several reasons. It was translated by a Protestant minister for the use of his congregation, and was not published by him. In its first form or with some changes, it has been most largely employed in both Catholic and Protestant hymnals. It is an un-

rhymed version, of very unequal lines, and was evidently intended to be very literal; but, as Dr. Flood well remarks, the English words "do not go so smoothly with the music as the original Latin."⁷

The sequence of Protestant versions may be interrupted here to record the Catholic one of J. R. Beste ("Hasten, ye faithful, glad, joyful and holy") in his "Church Hymns," 1849. In his "Annus Sanctus," Mr. Orby Shipley credits it to this volume and year, but adds, "J. Richard Beste, 1839," and thus seems to attribute its composition to that year. In the year 1848 there also appeared two translations by Jane E. Leeson, who may have been a Catholic (the question has not, I think, been cleared up finally), inasmuch as two of her many hymns were given in Father Formby's "Catholic Hymns," etc., published in 1851 by Burns & Lambert, over the signature "M. L." Her versions of the "Adeste Fideles" ("Approach, ye faithful, come with exultation," and "Approach, ye faithful, come with glad accord") appeared in her "Christian Child's Book," 1848. Finally, the excellent translation of Father Caswall ("O come, all ye faithful, triumphantly sing") is found in his "Lyra Catholica" of 1849, in his "Hymns and Poems" of 1873, and in his reëdited and revised "Lyra Catholica" of 1884. The edition of 1849 was reissued in 1851 by Dunigan in New York. In spite of this wide and repeated publication of an excellent version, it has not been taken to the breasts of our Catholic hymnal editors, although it finds Protest-

⁷ It should be noted here as an interesting fact that, in spite of the many translations of the hymn made by English Protestants, Oakeley's version should remain the most popular of all. This is evident from the position it takes in the Rev. James King's volume on Anglican Hymnology, published in London in 1885, which gave an "account of the 325 standard hymns of the highest merit according to the verdict of the whole Anglican Church." The editor estimated that there were, in his day, about twenty thousand hymns and versions of the Psalms in English. Which are the few most deserving ones? "In order to find out the verdict of the whole Anglican Church, the writer adopted the following method: He collected and collated with much labor fifty-two representative Hymnals used in the Church of England at home and abroad. . . . All the fifty-two have, moreover, been published, with one exception, within the last twenty-one years, extending from 1863 to 1885. . . . By means of these Hymnals he put to the test all hymns of acknowledged merit. . . . The fifty-two were regarded as a committee, each member of which could, as it were, give one vote for each approved hymn. . . . Two thousand of our best-known hymns have thus been tested. . . ." and classified into first rank, second rank and third rank hymns. "According to this principle, 105 hymns were found to be entitled to be placed in the first rank, 110 in the second rank and 110 in the third rank." Among the 105 first rank hymns is found Canon Oakeley's translation! His is the only translation of the *Adeste Fideles* found amongst the 325 best hymns in Anglican hymnals as collated by Mr. King. It is used, let me add, in Dr. Terry's (Catholic) Westminster Hymnal, in the Oregon Catholic Hymnal, in St. Mark's (Catholic) Hymnal and (much changed) in the De La Salle Hymnal.

ant approval by its inclusion in several hymnal collections of our separated brethren.

Shall we esteem as a Protestant version the translation ("O come, all ye faithful") of R. Campbell in "St. Andrew's Hymnal" (1850)? It is reprinted in Shipley's "Annus Sanctus" and, in view of the information given in the Preface of that volume, may perhaps be constructively set down as Catholic: "Robert Campbell, Esq., of Skerrington [was] a Scottish advocate, who, shortly after making a translation of a series of hymns from the Breviary, the Paris Breviary and the Missal in 1850—versions which were accounted by no mean authority as the very best which had then appeared amongst Protestants—submitted himself to the Catholic Church."

Our enumeration has thus brought us down to the middle of the century. From the year 1850 down to the present day the translations by Protestants have outnumbered those by Catholics, and in this fact we have a good illustration of the immense power of this Catholic hymn over the hearts of our separated brethren. The hymn has constantly increased in popularity until it has seemed almost to equal, for them, the position it has always had in Catholic circles. It would be tedious to give a detailed list of versions. In all, since 1850, there have appeared about a dozen Protestant versions and about half that number of Catholic ones. In the hymnals, taken generally, the version of Oakeley, unrhymed and unrhymed, seems nevertheless to hold the first place. It is variously altered, of course, by hymnal editors. The Catholic versions of Beste, Campbell, Earle, Kent are given in Shipley's "Annus Sanctus."

It would also be a task fatiguing alike to the present writer and to his readers if an attempt were made here to chronicle minutely the use of the translated "Adeste Fideles" in Protestant hymnals. It will be much more interesting for us to consider the use made by Protestants of the traditional tune of the hymn for Protestant hymns which have no relation to the joy of Christmastide. This we may now do under the heading:

II. PROTESTANT USES OF THE TRADITIONAL TUNE.

In a previous article on the "Tune of the Adeste Fideles" in the January issue of this "Review," I printed the stately, soberly joyous form of the melody as given in Coghlan's publication of the year 1782. The most curious parody of this tune that I have anywhere seen occurs in a volume of hymns from the "Sequel to Weyman's Melodia Sacra," arranged for One, Two, Three or Four Voices, by David Weyman, late Vicar Choral of St. Patrick's Cathedral; John Smith, Mus. Doc., composer to the Chapel Royal, Dublin, etc.;

R. W. Beaty, Professor of Music to Christ Church Cathedral, and others. Published by Marcus Moses, 4 and 5 Westmoreland street, Dublin. The volume is undated. In reply to an inquiry concerning the date of publication, Mr. James Warrington writes me: "I am a little doubtful about the date of the 'Sequel to Melodia Sacra.' The book is not dated so far as I have been able to see copies, and Kidson gives no notice of the publishers. Grattan Flood dates it 1840, but internal evidence points to its being published between 1820 and 1825. There is no doubt that the 'Melodia Sacra' itself was published 1811-1814, the issue being in four numbers. The fourth number contains 'Adeste Fideles.' My investigations regarding this book are not yet complete, but I am inclined to think that Flood's date arises from his seeing a reprint, as the 'Sequel' appears to have been first published by Cramer and afterwards by Moses."

All this long bibliographical note may be pardoned in view of the extraordinary character of the melodic transformation given in the "Sequel:"

Moderato.—Sotto Voce.

Tho' trou- bles as - sail, and dan - gers af - fright, Tho'

friends should all fail, and foes all u - nite, Yet one thing se -

cures us what - ev - er be - tide; The Scripture as - sures us, the

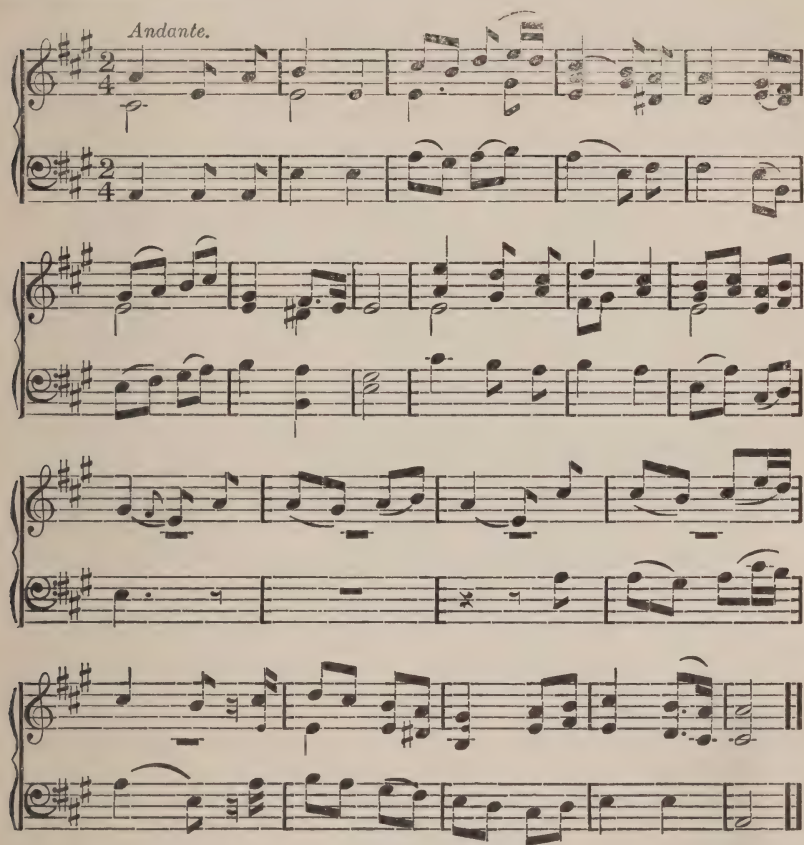
Lord will pro - vide. The Scripture assures us, the Lord will provide.

The musical score is written on a single staff in treble clef, 2/4 time. It begins with a key signature of one flat (Bb). The melody is characterized by dotted eighth notes and grace notes. Dynamic markings include *tr* (trill), *f* (forte), *p* (piano), and *ff* (fortissimo). The lyrics are written below the staff, with hyphens indicating syllables spanning across notes.

The jaunty character imparted to the rhythm by the dotted eight-notes and the airy persiflage of the grace notes added to the melody combine to furnish anything but an appropriate vehicle for the solemn declaration of the hymn that "the Scriptures assure us the Lord will provide."

An echo of these characteristics is preserved in an elaborate collection published in Philadelphia in the year 1828: "Music of the Church. A Collection of Psalm, Hymn and Chant Tunes adapted to the worship of the Protestant Episcopal Church in the United States." I there find (p. 19) the "Portuguese Hymn" employed for three different hymns, all of which are in four-line stanzas of iambic

8's. The reader will observe the grace notes retained in the third and fifteenth measures:



It is clear that a better taste was gradually growing, however. Thus the extravagances of the "Sequel to Weyman's *Melodia Sacra*" are nearly all eliminated in the form of the melody we have just been considering. A more striking evidence of the improvement in taste is furnished by "The Heart and Voice," a hymnal of the M. E. Church (Philadelphia, 1865), which gives the same hymn to the tune as did the "Sequel," but in doing so gets rid finally of all superfluous notes, so that the melody is exactly that which is given in our (Catholic) Westminster Hymnal published in 1912, with the exception of the fourth note in the antepenultimate measure, which in the Catholic hymnal is Fa and in the Methodist is Re. This Methodist hymnal, by the way, also gives to our tune another hymn (p. 353):

Our Father in heaven, we hallow Thy name!
May Thy kingdom all holy on earth be the same!

Oh, give to us daily our portion of bread:
It is from Thy bounty that all must be fed.

In "The Congregationalist Psalmist" (London, 1861) our tune is exactly that of the Westminster Hymnal (London, 1912), and is set to the hymn:

O had I, my Saviour, the wings of a dove,
How soon would I soar to Thy presence above!
How soon would I fly where the weary have rest,
And hide all my cares in Thy sheltering breast!

It is interesting to note that this volume ascribes the tune to "John Reading, 1760," and adds, "Adeste Fideles." The date would correspond exactly to that of the MS. containing our hymn and tune and now at St. Edmund's College, Ware, England. The date is, of course, incorrect; for the Stonyhurst MS. of 1751 and that of 1750 in the Euing Library at Glasgow, as also that, doubtless, in the Clongowes Wood College in Ireland, antedate the St. Edmund's College MS. But otherwise the ascription to "John Reading, 1760," is the nearest approach to correctness found in hymnals generally (excepting a few of the most recently published ones).

The "National Psalmist" (edited by Lowell Mason and G. J. Webb, professors in the Boston Academy of Music), which was published in Boston in 1848, gives the "Portuguese Hymn" to a text in still a new measure:

Ye servants of God,
Your Master proclaim,
And publish abroad
His wonderful name;
The name all victorious
Of Jesus extol;
His kingdom is glorious,
He rules over all.

The melody is exactly the same as that given, in the year 1912, by Dr. Terry in the "Westminster Hymnal," issued by authority of the Catholic Hierarchy of England and Wales, for the Latin text of the "Adeste Fideles." It is unnecessary, therefore, to quote the melody of the 1848 volume in this place. Any reader who desires to pursue the study of the tune's vicissitudes more thoroughly than may be permitted in this article, can easily consult Dr. Terry's hymnal.

But how adaptable the old melody is! Already we find it doing yeoman duty for three distinct types of strophe—the regularly

varied lines of what I have styled the French Cento of the Latin text,⁸ and the 10's and 11's of the strophes given in the "Sequel to Weyman's *Melodia Sacra*," as well as those in the Boston publication of 1848; and the iambic 8's of the Philadelphia publication of 1828. In L. O. Emerson's "Harp of Judah," published in Boston in 1863, I find it set to iambic 11's:

The Lord is our shepherd, our guardian and guide,
 Whatever we want He will kindly provide;
 To sheep of His pasture His mercies abound,
 His care and protection His flock will surround.

The melody here given (p. 379) is the same as that in the 1848 publication, except that the antepenultimate measure is exactly that found in the Philadelphia publication (quoted above) of 1828.

Now it may be esteemed an interesting fact that in none of the publications I have mentioned thus far is the hymn "How Firm a Foundation" set to the old tune. Its vogue must be rather recent in America; but I can understand Dr. Benson's comment on the incident he quotes from "The Sunday School Times:" "Such an incident, and what it implies, inclines one rather to the hope that 'How Firm a Foundation' may never cease to be sung among us, and that it may never be set to any other tune!" But while I can understand his point of view, I cannot quite sympathize with it; for I think it rests on a misapprehension. He assumes that the wedding of this particular Protestant hymn to the old Catholic tune explains the unanimity of the singing of the soldiers on that Christmas morn in Cuba. I am inclined to think that the words figured very little in the choral strain, and that the Catholics were thinking of the 'Adeste Fideles,' the Episcopalians were probably thinking of Oakeley's translation of the Latin into English, and the members of the other religious bodies represented in the American army were thinking—some of "How Firm a Foundation," but also some—of various other hymns wedded to the fine melody.

I have just noted Emerson's "Harp of Judah" of the year 1863. In the following year appeared the important collection entitled: "Trinity Collection of Church Music, containing all the Psalm and Hymn Tunes, Chants, etc., used in Trinity Church, New York, or in either of its three Chapels. By Edward Hodges, Mus. Doc., of Sidney Sussex College, Cambridge, England. With valuable additions by the Editor, S. Parkman Tuckerman, Mus. Doc., organist and director of music in Saint Paul's Church, Boston." The volume

⁸ See the REVIEW for October, 1914: The Text of the *Adeste Fideles*.

was published by Ditson, of Boston, in 1864. The hymn "How Firm a Foundation" appears in this volume, but only as one of the "valuable additions" contributed by Dr. Tuckerman, and the melody assigned to it is not that of the "Adeste Fideles." But in this Trinity Collection there are two hymns set to our tune, and both are under the title of "Adeste Fideles" (not "Portuguese Hymn.") We find an old metre in the first of these two (Hymn No. 250):

I would not live alway, I ask not to stay
Where storm after storm rises dark o'er the way;
The few lurid mornings that dawn on us here
Are enough for life's woes, full enough for its cheer.

This is precisely the metre of "How Firm a Foundation"—but this hymn is not assigned to our tune. But still a new metre is introduced for Hymn No. 252:

When thro' the torn sail the wild tempest is streaming,
When o'er the dark wave the red lightning is gleaming,
Nor hope lends a ray the poor seaman to cherish,
We fly to our Maker: "Save, Lord, or we perish."

Hymn No. 250 is in 11's, Hymn No. 252 is in 12's. And, sandwiched in between them, is the hymn (No. 251): "How Firm a Foundation," to an entirely different melody! The melody of the "Adeste Fideles" given in this volume is varied, strange to say, for the two hymns, in some slight ways; and both ways are different from any other form of the melody I have seen. The editing was surely careless, when the same tune appears in two variants printed so closely together—Nos. 250 and 252.

It would be an endless task to pursue the tune through all the ramifications of the hymnals of the various Protestant bodies of the United States. Nor is the task necessary for our present purpose—which is to exhibit many of the highly varied uses to which it has been put by our separated brethren. In our Catholic hymnals it serves one sole purpose, is inalienably associated with one dearest season in the Church year. But what an overwhelming power the old tune must exercise on the affections of Protestants, and, by way of corollary, what an excellent tune it must therefore be!

I shall skip over two decades of activity in hymnal editing from the time of the "Trinity Collection" (which, as we have just seen, contained two hymns set to the tune) and come down forthwith to the year 1884, in which appeared the important collection, "Hymnal Companion to the Prayer Book," published by Ditson in Boston.

In this volume I find that the tune is employed for four hymns (Nos. 20, 368, 393, 520). In all four cases, the form of the melody is that given in Dr. Terry's Catholic hymnal of the year 1912.

Coming down to the year 1900, I find our tune serving for three hymns in the "Hymnal of the Methodist Episcopal Church" (New York: Eaton & Mains). All three have the same form of the tune, which is that of Dr. Terry's volume.

Two reflections may be permitted here. The first is that our Protestant friends appear to have agreed pretty definitely—despite their wide divergence in almost everything else—on a single form of the melody of a great Catholic hymn. They have no bond of union or of solidarity in their hymnal editing, but they have had the good luck or the good taste to adopt a single form of the melody and, at the same time, a form which, in spite of rather bad precedents such as I have illustrated in this paper, is an excellent one—simple, flowing, unadorned by grace notes or flourishes, and practically identical with the form found in "An Essay on the Church Plain Chant" issued for Catholics in England as early as the year 1782. Meanwhile, of the nine Catholic hymnals that have been published in the last five years,⁹ no two agree on the same form of melody for the same old Latin words or their English translation.

The second natural reflection must be that the tune should be **considered exceptionally good** and appropriate for hymnodal purposes, since it has been tried by Protestant editors for many different hymns of many different rhythms. Let me just repeat summarily here some of the first lines:

1806—Lord, 'tis a pleasant thing to stand.

1810—Blest Jesus, how divinely bright.

???—Though troubles assail and dangers affright.

1828—O render thanks to God above.

1828—To Jesus, our exalted Lord.

1828—Lord, how delightful 'tis to see.

1848—Ye servants of God, your Master proclaim.

1861—O had I, my Saviour, the wings of a dove.

1863—The Lord is our shepherd, our guardian and guide.

1864—I would not live alway, I ask not to stay.

1864—When thro' the torn sail the wild tempest is streaming.

1884—How firm a foundation, ye saints of the Lord.

1884—Unchangeable Jesus, Thy praises we sing.

⁹ See the enumeration of these hymnals in REVIEW for January, 1915: *The Tune of the Adeste Fideles*. Two Catholic hymnals have appeared since then, and are not considered here.

1884—I once was a stranger to grace and to God.

1900—The Lord is my shepherd, no want shall I know.

1900—We rear not a temple, like Judah's of old.

For the first lines of twenty-two hymns which can be sung to our melody as set forth in the book of "Offices of Worship and Hymns" (third edition, 1891) in the "Liturgy of the Unitas Fratrum or The Moravian Church" (Bethlehem, Pa., 1912), I must refer the curious reader to the volume itself.

The dates placed in my list before the first lines are not intended to indicate the years when the hymns were adapted to the tune, but merely the dates of publication of the hymnals in which I found the adaptations. Doubtless, if my researches were more extended, I should be enabled to add still other first lines to my list. But the list is sufficiently extended to exhibit the wide use made of our tune by Protestants.

As I have tried in the present paper to illustrate the beauty of a melody which really belongs of right to the "Adeste Fideles" exclusively, and in such wise that the tune immediately suggests the Latin words (and *vice versa*), it is not inappropriate to add here the testimony of W. T. Stead's curious volume of "Hymns That Have Helped." It was republished in 1904 in New York City, and in its list of one hundred and forty-eight hymns I do not find any one of the titles in the above placed list—not even "How Firm a Foundation!" But I do find, in the very small number of hymns included in Stead's volume, the "Adeste Fideles," both in Latin and in Oakeley's English translation!

As the present paper commenced with an American military anecdote illustrating Protestant uses of our dear old Christmas tune, it may not be inappropriate to conclude the paper with another (but only a quasi-military) American anecdote which further illustrates the same uses. Under the heading of "Men and Things," the interesting "Penn" commented in the (Philadelphia) *Evening Bulletin* on the parade-music used by the Knights Templar during their annual convention in Philadelphia this year. He remarks that "abundance of inspiring music in the martial or the hymnal mood has long been characteristic of Knights Templar parades, and much of it yesterday was rendered magnificently, although when their bands followed on close to one another, with 'Onward, Christian Soldiers,' 'Adeste Fideles' and 'The Star-Spangled Banner' all at full tilt, there was something terrific in the prodigious jangling of the aural bombardment." It is very curious that these three titles should be thus conjoined. For "Onward, Christian Soldiers,"

is Sullivan's fine marching tune for Protestant celebrations; the "Star-Spangled Banner" has an appropriateness that will scarcely brook comment; and "Adeste Fideles"—Catholic in text and tune alike—takes precedence in "Penn's" mind, (as it appears to have done also in the Knights' parade-music,) over the thousand and one hymnal airs known to Protestant ears!

H. T. HENRY.

Overbrook, Pa.

PALESTRINA AND LUCERNE.

SOME twenty miles to the east of Rome, and at the edge of the central mountain system of Italy, lies the mellow-tinted town of Palestrina. Although the place is near the mother city, there is no railway for miles, and one must go staff in hand, as of old. But no one complains of that when there is so much to attract the eye: here a glimpse of a high-perched "castello" (or country town), beyond that again untrodden mountain chains, whilst close by, on either side, are fields of maize and rich vineyards. At various points on the road are pretty wayside shrines—a Crucifix or a Madonna, neatly coated with wash. If your journey be made in the early part of the day, you meet caravans of ox teams, setting out on their deliberate crawl to reach the next village—perhaps some ten miles off—before evening. If it be late in the day, the procession is of a gayer kind, but slow, for about sundown the vine-growers of Palestrina send their wine carts on their long journey to Rome. With a jingle of countless bells of all shapes, sizes, metals and ages, with singing drivers, snugly coiled under the gaudy hoods of their carts—their little pomeranians always on the alert, barking at every passerby—the line of cars proceeds at a foot pace, joined at every crossroads or village by further contingents, until in the end it is a magnificent cavalcade that jingles and rattles over the square stone pavements of Rome, telling drowsy inhabitants that the hour for rising is still comfortably distant.

A steady tramp across the thirsty plain brings one to the foot of Palestrina. The usual long avenue of carob trees shades the toilsome uphill approach to the lofty town, inviting a prayer for the good soul that planted those friendly trees. Encouraged by the welcome of the townsfolk, "*Benvenuto e ben tornato*," one enters by that most impressive arch, the Gate of the Sun. You observe all who pass through making an obeisance, and when under the massive gateway you see a well-kept shrine of the Madonna. I remember encountering an old woman seated in the gateway with an infant; we opened conversation, and I learned that she was teaching the child "how to love the good God." Not a bad start, and further intercourse reveals the fact that the Palestrinesi are quite different from most of their neighbors. They still show ardent faith in things Christian. Blood of martyrs ran freely down those sloping streets very many centuries ago, seemingly not in vain.

The town's record is by no means uneventful. Tradition says it was founded by Telogonus, son of Ulysses and Circe, in days when Rome was at most only a small country village. The walls of the

early town may still be seen—masonry of gigantic mass—blocks often five or six feet each way. So easily have they braved the ravages of time that you may now see houses built on them, with the lower windows peeping through chinks in these pelasgic bulwarks. Praeneste—to give the place its ancient name—had a stubborn fight for some centuries with the rising city of Rome, and at length was forced to acknowledge her sway some hundreds of years before Christ. In the last century of the old era the town was held as the main position by the Marians against Sulla, but unsuccessfully. The victors put all the male civilians to death, leveled the town with the ground, drew a plough over it and sowed it with salt. Yet some years after it was rebuilt and enclosed with walls of immense height, standing in many parts to this day. For the next thousand years there was peace, and the town became a great health resort during the Empire. It contained one extraordinary edifice, the Temple of Fortune, erected on a vast scale and occupying no less than six terraces. This was one of the great sights of Italy. The shrine was most famous, and even well on into Christian times the fortune-tellers of Praeneste had widespread repute, to the great annoyance of the Church.

In the last decade of the glorious thirteenth century the Colonna family raised the standard of revolt at Praeneste against the Pope, and the old story was repeated. The rebels were besieged, the place was taken and everything done to destroy it. It was yet again rebuilt, but still once more taken and destroyed in the fifteenth century by the Papal general, Cardinal Vitelleschi. Even after this overthrow it rose from its ashes under Stefano Colonna, who fortified it ten years later. The final event of its history was its purchase by the Barberini family—to which belonged Pope Urban VIII., then reigning—in the early half of the seventeenth century.

It has a cathedral of no remarkable beauty. A tiny boy most courteously conducted me round it, and then brought his mother and the baby and a priest and another woman into the sacristy to me, where we took an impromptu photograph, with departed Cardinals of the town gazing down from their frames at the strange performance.

You must ramble round its strange streets—all steps, with asses and mules climbing among the pedestrians—until a turning brings you to the home of the most famous of sacred composers, Pier Luigi da Palestrina, who is generally known as Palestrina. It was he who rescued church music from being condemned by the Council of Trent, which would have meant that it could not be revived till another general council was summoned, and the next council did

not meet till three centuries later. By the sixteenth century church music had become corrupted, owing to the imprudent zeal of composers. The chief fault was that whilst the real words of the Mass were being sung by the choir, another set of voices was heard singing at the same time a running commentary on the words. There were other confusing elements of a similar kind, which only served to distract the worshippers. The upshot was that music was destined to be abolished from the churches, had not some one suggested that Palestrina should write a new type of Mass piece, and that the fate of church music should hang on the decision. Palestrina wrote *two* Masses, both of the rarest excellence. When the Pope heard the pieces he said that nothing better might be heard except among the angels, and church music was saved. The great composer lived on, the most modest and humble of men, in some straits, till he died in the arms of his friend, St. Philip Neri, in 1594, at the age of seventy.

Any sketch of Praeneste would be incomplete without some mention of the citadel, 800 feet above the town, and on the top of the mountain. There stands a little village with the simple name of Castel San Pietro. Why this name? We are told that St. Peter preached here—a rare honor. When I reached the top of the steep ascent and clambered over the pelasgic walls I found men in the place with flails, beating corn spread on the ground, and dark-skinned children running about. Well-dressed villegianti—townsfolk on holiday—stood out by contrast against its unhandsome streets. Yet this served to testify the reputation of the place as a health resort, just as in the days of the Empire. Nearby is a dismantled castle, and from one of its gaping and shattered windows I looked out across the view that Hannibal is said to have contemplated twenty-one centuries ago, when he gazed towards Rome in the distance and sighed in vain for its capture. Far away heaves the bright blue Mediterranean; the sun is hastening to sink beyond its smiling waters, and I descend once more into the snug old city.

I was in a pleasant frame of mind when I woke up at Basle, for, in the first place, I had slept for nearly ten hours—a thing that hitherto seemed to me impossible to accomplish in a train—and in the second place, I found we were gliding through ideal country. We reached Lucerne about an hour later. The season was late October, an ideal time, for the sun is still agreeably warm and softly bright; the glare of summer is subdued, yet the chill and gloom of winter has not yet benumbed the landscape. Mountains have already donned their fleecy mantles, and yet one has not to flounder through snowdrifts in the streets and country lanes. Moreover, the

flock of tourists have taken their departure, as the season has now become rather unfavorable for long journeys. This absence of tourists gave me a better chance of observing the natives themselves, who, in spite of their contact with people of every nationality, are still conspicuously insular, patriotic and unsophisticated. If you had seen the children flock around their venerable pastor and cling reverently to his hands, you would have a better idea of what I mean. They are good at heart and pure of soul—a combination of qualities from which spring gayety, love and sympathy, as naturally as the violet and the meek daisy from the sod.

Basle is said to be famous for the luxury of its inhabitants and the beauty of its women. Of Lucerne's inhabitants we might safely predicate grace and dignity (as in their neighbors, the Lombardese), but not luxury; we prefer to call it comfort and contentment.

The people of the country round are occupied chiefly in rearing cattle and growing cereals. One soon gets familiar with the incessant tinkling of bells around the cows' necks as they roam across the open hillsides. Cheese and butter are the staple produce, gruyère being the most famous species of the former, made from goat's milk.

The town of Lucerne stands on both banks of the River Reuss, just where it debouches from the great blue lake. The situation is picturesque, all is vividly bright—palatial hotels at the water's edge, fine churches, waters of richest sapphire and towering mountains along the whole horizon. When one sees the place one can safely say it merits all the statements made concerning its untainted beauty, and this is more than can be said of most of the "show" places on the Continent. The town is said to have been originally a Benedictine monastery, which stood on the right bank, where now we see the simple old cathedral, with its two intensely sharp and lofty towers. It was, however, known to the Romans, its name being the Latin for "lantern;" they probably had a small military station here, as it occupies a strategic position.

Several bridges connect the two parts of the town, two of these bridges being most quaint. They are built of wood, for it was not till recent times that the fine stone bridge was constructed. The traffic across the wooden bridges must have excluded vehicles, as the passage is so frail and narrow. Both bridges are covered with a painted roof, and, occupying the triangles made by the cross-beams of the roof, are panels painted with some of the most interesting of pictures. One set represents scenes from Swiss history and from the lives of the patron saints of the town; the other set is much more important, for it constitutes one of the finest extant series of paintings on that favorite mediæval subject—the Danse Ma-

cabre, or Dance of Death. In these scenes we have death triumphing over youth and beauty and power and wealth—all that this world holds most enviable. Death is always a gruesome figure, generally a skeleton with the anatomy purposely ill-drawn. Such representations were meant to remind people of the uncertainty of mundane things. Following this practice, Mary Queen of Scots wore a ring with a death's head carved on the gem; and death was a favorite with the metaphysical school of poets who succeeded Shakespeare. These images warn, but fail to terrify the good people of Lucerne. It is worth one's while to stand within the upper bridge and observe the passersby. In an angle of the bridge lights are burning and flowers perfuming the dim passage. Most of those who come along stop and kneel for a while, or at least make some reverence. One or two remain there continuously. This is a popular shrine of Our Lady, and the good inhabitants like to greet it *en passant*—that is all.

It does one good in Lucerne to see the zest and activity of the common folk. On the lonely mountainside in Munster, where I pen these lines, the hardy schoolboys may be seen gathering for their day's work before 7 o'clock, although lessons do not commence till half-past 9. It is the same in Lucerne. If you want to see the people, do not stay in bed, but go round to the neighboring church, and there you will find their manners illustrated and their vitality explained. At 7 o'clock you will hear a noisy troop of children flocking into their Father's house to dedicate their day's tasks. The girls occupy one side of the nave, the boys tumble into the benches on the other. You see them untackle their great satchels of goat-skin from their shoulders, like so many chasseurs alpins; there is a flutter of hymn-books and then one priest sets them singing or sayings prayers, whilst another celebrates the Holy Sacrifice. Many children receive Our Lord, and that with great devotion and simplicity. In less than three-quarters of an hour all is over, and the future patriots of Lucerne tumble out of the sacred building once more.

One could not speak of this stronghold of Swiss nationalism without some brief mention of the celebrated monument to the nation's valor. In a snug spot known as the Glacier Garden, from the many curious effects wrought in the rocks and stones of the vicinity by the glaciers of bygone ages, there is one work of stone that rivals all these products of nature. Carved in the face of a sheer cliff, overhanging a pool, and at a height of several score feet, there slumbers in death a lion, hewn, as it lies, out of the native rock. The monstrous and majestic beast—some nine yards in length, I believe—is panting in its final agony, with the head of the

hunter's spear broken off short in its upturned flank. By this touching symbol of expiring courage and majesty Thorwaldsen, the famous Danish sculptor, has immortalized the heroes of the Swiss Guard who died defending Louis XVI. in the Tuileries, in August, 1692. The legend overhead reads: *Helvetiorum Fidei ac Virtuti*—"To the Loyalty and Valor of the Swiss." Underneath is a somewhat detailed account of the event and of the men that fell. I take the following brief description from Hazlitt's "Life of Napoleon:"*

"After the departure of the monarch there was no reason to attack the Thuilleries; but the combatants were drawn up face to face, and a furious conflict ensued. . . . The Swiss soldiers at first threw their cartridges out of the windows in token of amity; but as the insurgents pressed into the interior of the palace, a quarrel arose, when the Swiss directed a fatal fire among their ranks and dispersed them for a minute. But the Marseillois, soon returning in force, attacked the Swiss with their cannon, repulsed, surrounded and cut them in pieces. It was no longer a combat, but a massacre; and the assailants gave themselves up to every kind of disorder."

So fell the brave mountaineers of Helvetia. Their glory shall never die. Any one who studies the mere lifeless stone that commemorates their worth must of necessity feel moved almost to tears. A certain distinguished American prelate remarked to a friend of mine in the precincts of the Vatican that he had seen the great works of art in the whole of Europe, but never had his eyes rested on anything so full of genuine feeling at this Lion of Lucerne. It tells, more touchingly than words could ever do, the story of the nation's struggles—its triumphs snatched from relentless death itself.

CHRISTOPHER FLYNN.

Cappoquin, Ireland.

* Vol. I., p. 172. Grolier Society Edition de Luxe.

OUR STATE CONSTITUTIONS AND RELIGIOUS LIBERTY.

MUCH has been written of the status of religion and of the public exercise thereof in the American Colonies. Provincial charters have been quoted, the acts of Provincial Assemblies examined, even the decisions of petty Magistrates in border villages brought again to light to furnish examples of religious intolerance on these shores in the seventeenth and eighteenth centuries. Of religious intolerance there was much; of religious toleration there was little, except in Pennsylvania and Maryland; of religious liberty there was none. This last statement may seem too broad, but a brief examination of the terms used will prove the truth of my remarks.

"By religious toleration," to quote the definition of the Catholic Encyclopedia, "is understood the magnanimous indulgence which one shows towards a religion other than his own, accompanied by the moral determination to leave it and its adherents unmolested in private and in public, though internally one views it with complete disapproval as a 'false faith.'" The mere recital of the salient points of the politico-legal history of eleven of the thirteen colonies would serve to show conclusively that religious intolerance existed therein. The Pilgrim, who fled from England to Holland, and thence to the bleak coast of Massachusetts, was intolerant, and the Puritan, who fled direct from England to escape religious persecution, was equally intolerant. Indeed, all save the Catholic and the Quaker refused to grant to their fellow-colonists that equality of religion before the civil law for which in fatherland they had striven and suffered. Cotton Mather described the first settlers of Rhode Island as a "colluvies" of everything but Roman Catholics and real Christians. And we know that in that colony there were severe laws against Catholics, for the text of a repealer is easily accessible, even if Bancroft assures us that such laws cannot be found as passed. More than this, I doubt if Jews and Mahomedans were tolerated even in Maryland, at least from a strict, legal standpoint, for article 33 in the Declaration of Rights in the Constitution of 1776 provides that ". . . the Legislature may in their discretion, lay a general and equal tax for the support of the Christian religion, . . ." And William Penn, whose "great law" of 1701 was by its author described to be a declaration not of toleration, but of religious equality, a declaration of religious liberty of the broadest character about which there could be no doubt or uncer-

tainty, excluded Atheists and Polytheists from his beneficent protection.¹

At the close of the American Revolution we may therefore safely say that religious toleration existed in part, complete religious liberty nowhere in the thirteen States. We are accustomed in this day and generation to imagine that we enjoy the fullest religious liberty of any nation in the sun. Have conditions changed? And, if so, in what respects and by reason of what causes?

The subject has many ramifications. The so-called "Sunday laws," religion in our public schools, religious corporations as such, particular tax laws, the right to hold office, to testify or to refuse to give evidence in the civil courts, the duty to bear arms in defense of the State, prosecutions for immorality as offending the public sense of decency—all well merit fuller treatment than is permitted within the limits of this article. What I have done is to digest the forty-eight State Constitutions, particularly that universal section usually known as the "Declaration of Rights" and the decisions of the courts thereunder, with more than a passing glance at acts of the Legislature passed in compliance with or in defiance of such provisions of the Constitution as are here discussed, and to finally endeavor to draw therefrom some general conclusions.

The task has not always been easy. While declarations with regard to religious toleration are to be found as a rule in the "Declaration (or Bill) of Rights" preceding the formal legal articles of the constitutional document itself, the body of the instrument must also be carefully scanned. For while in former days Constitutions were mere skeletons of organic law, to-day they are choked with statutory enactments and definitions. The Constitution of Oklahoma covers much more than 100 closely printed pages, and in Michigan the object of our search was found in the Constitution of 1850 under the wide title of "Restraints on Legislative Action," in a clause forbidding the appropriation of money by the Legislature for the benefit of any religious sect or society.²

Judge Cooley, in his "Constitutional Limitations," and Thorpe, in the "Constitutional History of America,"³ are of much service to the student. And I have not hesitated to draw on them. But they do not pay much attention to our later State Constitutions and de-

¹ The act of 1701 was refused confirmation by the Privy Council in London, and in 1706 a new law gave religious liberty to Trinitarian Christians only.

² Article IV., Section 40. This was changed in 1908 to Declaration of Rights, Article II., Section 3.

³ Professor Thorpe several years ago collated our "American Charters, Constitutions and Organic Laws" at the request and expense of the Federal Government. The work is extremely valuable for those desiring the exact wording of original sources, but there are no comments and few notes.

cisions, and it is these I have especially examined with a view to the publication of this paper.

SOME GENERAL REMARKS.

In England there was not, nor is there to-day, constitutional liberty of conscience. In our Federal Constitution, the First Amendment provides *inter alia* that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." The question of the power of the several States to enact such laws, however, does not enter into this discussion, for what was not expressly granted to the Federal Government was by the Tenth Amendment expressly reserved to the several States or to the people. A State might set up a church if it saw fit to do so. Thus the Church of England, supported in South Carolina by act of the Provincial Assembly at the beginning of the eighteenth century, was set up again in 1778 by the second Constitution of that State, which, while **granting religious toleration**, declared the "Christian Protestant religion" to be the "established" religion of the State. And the new Constitutional Convention in New York may establish a new State religion, and so may all other States, provided they first repeal old **constitutional enactments**. In Rhode Island alone can there be no new Constitution; it may be amended, but not rewritten.⁴ But Constitutions must be submitted to the people at the polls for approval. We may note in passing that this general rule has had some exceptions. Kansas vociferously approved more than one Constitution, ineffectually, however, for she was not yet ripe for Statehood. Not a few of the new Constitutions in the Southern States were foisted without approval on the people by the Federal Congress just after the conclusion of the war between the States. The Kentucky Constitution of 1792 was never submitted to the people, but it contained a provision allowing the people to vote for or against a constitutional convention. This provision resulted in the Constitution of 1799, the basic law of that State for over fifty years, and itself never submitted to the electorate. And finally, the Constitutions of Territories seeking admission to the Union as States are subject to the approval of Congress and the veto of the President. Hence the curious ease with which a prohibition clause was inserted into the Constitutions of the two Dakotas, and a clause prohibiting polygamy into the "Declaration of Rights" in the Utah Constitution.

In one important respect, however, the Federal Congress may, and without exception always has legislated with regard to religion. Every act passed since the Ordinance of 1787 for the purpose of enabling the people of a Territory to be admitted to the Union as

⁴ See In Re Constitutional Convention, 14 R. I. (State Reports), p. 469.

a State provides for the planting in their Constitution of the tree of religious liberty. That ordinance declared that "No person demeaning himself in a peaceable and ordinary manner shall ever be molested on account of his mode of worship or religious sentiments." The usual clause in later acts is "Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship."

Yet the rights of the future State have always been jealously preserved, and its failure to legislate on this important subject in all its ramifications was not held to give the Federal Government any fuller power. This is exemplified in the case of *Permoli vs. Municipality* (of New Orleans), decided as late as 1845, and reported in 3 Howard (U. S.), 589.

By the act of February 20, 1811, Congress authorized the people of Louisiana to form a Constitution and State Government, and by section 3 of that act certain restrictions were imposed in the form of instructions to the convention that might frame the Constitution, such as that the document should contain the fundamental principles of civil and religious liberty. Nevertheless, after the Constitution had been accepted by Congress and Louisiana admitted into the Union "on an equal footing with the original States," there remained no power in the general government to protect the citizens of Louisiana in the enjoyment of their religious liberty. And Judge Catron said (p. 609 of the report): "The Constitution makes no provision for protecting the citizens of the respective States in their religious liberties; this is left to the State Constitutions and laws; nor is there any inhibition imposed by the Constitution of the United States in this respect on the States." And he accordingly held that the United States Courts were without jurisdiction to pass on the validity of a municipal ordinance forbidding the exposure of a corpse in any Roman Catholic church in the municipality.

Judge Cooley says: "A careful examination of the American Constitutions will disclose that nothing is more fully set forth or more plainly expressed than the determination of their authors to preserve and perpetuate religious liberty and to guard against the slightest approach towards the establishment of an inequality in the civil and political rights of citizens which shall have for its basis only their differences of religious belief. . . . The American people came to the work of framing their fundamental laws after centuries of religious oppression and persecution, sometimes by one party or sect and sometimes by another, had taught them the utter futility of all attempts to propagate religious opinions by the rewards, penalties or terrors of human laws. They could not fail to

perceive also that a union of Church and State, like that which existed in England, if not wholly impracticable in America, was certainly opposed to the spirit of our institutions, and that any domineering of one sect over another was repressing to the energies of the people and must necessarily tend to discontent and disorder. Whatever, therefore, may have been their individual sentiments upon religious questions, or upon the propriety of the State assuming supervision and control of religious affairs under other circumstances, the general voice has been that persons of every religious persuasion should be made equal before the law, and that questions of religious belief and religious worship should be questions between each individual man and his Maker. Of these questions human tribunals, so long as the public order is not disturbed, are not to take cognizance, except as the individual, by his voluntary action in associating himself with a religious organization, may have conferred upon such organization a jurisdiction over him in ecclesiastical matters. The American Constitutions, therefore, have not established religious toleration merely, but religious equality—in that particular being far in advance not only of the mother country, but also of much of the colonial legislation, which, though more liberal than that of other civilized countries, nevertheless exhibited features of discrimination based upon religious beliefs or professions.”

Thorpe tells us that “Religion in the early Constitutions was defined as ‘the duty which we owe to our Creator; and the manner of discharging it can be directed only by reason and conviction, not by force or violence’—a broad application of the doctrine of natural rights, whence it was concluded that all men were equally entitled to the free exercise of religion according to the dictates of their conscience. All the Constitutions were made under the influence of the Christian religion. . . . Freedom in religion was a characteristic reform of the times, (but) the freedom was relative—great if one looked backward, slight if he looked forward.”

It should be noted that nothing worthy of note is to be found in the Constitutions or decisions of Alabama, Arkansas, Colorado, Florida, Minnesota, Mississippi and Wyoming. In several of these States the constitutional provisions examined have never come before the courts for judicial interpretation or construction. We must remember, however, the great influence of earlier Constitutions on the Western and Southern conventions. We are told that the debates of the Virginia Constitutional Convention of 1829 were cited in the remaining Southern States for over twenty years. We know that Louisiana, alone of all our States, has French, not English law, at least as a basic code; but that the whole Southwest, from Colorado, is affected by French and Spanish rule. We can see that the

Constitution of Colorado is copied from Illinois, which has also affected North and South Dakota, Washington, Montana, Wyoming and Idaho. Massachusetts fathered Maine; Virginia, West Virginia. And the New York code has had its offspring all over the West and Middle West, the other States on the Atlantic seaboard developing the old English common law by statute and decision.

The usual provision of to-day is that found in the second article of the "Bill of Rights" of the Constitution of Illinois (1870):

"No. 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship, against his consent, nor shall any preference be given by law to any religious denomination or mode of worship."

In the case of *Chase vs. Cheney*, 58 Ill., 509 (1871), Thornton, J., said at page 537: "Our Constitution provides that 'the free exercise and enjoyment of religious profession and worship shall forever be guaranteed.' In ecclesiastical law profession means the act of entering into a religious order. Religious worship consists in the performance of all the external acts and the observance of all ordinances and ceremonies which are engaged in with the sole and avowed object of honoring God. The Constitution intended to guarantee from all interference by the State not only each man's religious faith, but his membership in the church and the rites and discipline which might be adopted. The only exception to uncontrolled liberty is that acts of licentiousness shall not be excused and practices inconsistent with the peace and safety of the State shall not be justified. Freedom of religious profession and worship cannot be maintained if the civil courts trench upon the domain of the Church, construe its canons and rules, dictate its discipline and regulate its trials. The larger portion of the Christian world has always recognized the truth of the declaration, 'a church without discipline must become, if not already, a church without religion.' It is as much a delusion to confer religious liberty without the right to make and enforce rules and canons as to create government with no power to punish offenders. The Constitution guarantees 'the free exercise and enjoyment.' This implies not alone the practice, but the possession with satisfaction; not alone the exercise, but the exercise coupled with enjoyment. This 'free exercise and enjoyment' must be as each man and each voluntary association of men may deter-

mine. The civil power may contribute to the protection, but cannot interfere to destroy or fritter away."

In Indiana the word "creed" (used in place of denomination in the Constitution of 1851, "Bill of Rights," art. I., sec. 4) means, according to Myers, J., in *Hammer vs. State*, 173 Ind., 199 (1909), a formal declaration of religious belief and an act prohibiting the wearing of secret society badges by those not members of said society does not violate said section.⁵

But while no preference is to be given to religious denominations, they are entitled to protection. In *Parish of Immaculate Conception vs. Murphy*, 89 Nebraska, 529 (1911), at p. 534, Root, J., referring to Art. I., sec. 4, of the Constitution of 1875, said: "The courts of the American Union are a unit in refusing to coerce any individual to worship according to any faith or creed or to worship at all, but they do not refuse to protect property rights because they may thereby interfere with the religious convictions of some individual or aggregation of individuals. The Constitution of this State contemplates that the civil courts may be called upon to protect religious denominations in the peaceable enjoyment of their own form of worship."

And chapter 4 of the recently enacted penal code of North Dakota enumerates crimes against religion and conscience, acts of Sabbath-breaking and acts deemed to constitute disturbance of a religious meeting. Prosecutions for all these offenses must be commenced within thirty days; the crimes act of Oklahoma contains sections copied word for word from sections 8559-8584 of the North Dakota without the curious limitation on the time for prosecution. In *New Jersey* Justice Reed decided in 1908 (*Berry and Ackley vs. Demaris*, 76 N. J. Law Reports, 301) a statute declaring it lawful for certain officers to seize and sell articles of traffic in booths, tents, boats or vessels, sold or exposed for sale (other than in the regular course of business at the usual places) within three

⁵ But the courts of the State of New York very recently have given legal sanction to the contention of the New York Grand Lodge that "the precepts contained in the landmarks and the charges of a Freemason formulate a creed so thoroughly religious in character that it may well be compared with the formally expressed doctrine of many a denominational church. The Masonic fraternity may therefore be quite properly regarded as a religious society." I have not access to the official report, but the matter is fully discussed in "America," Vol. XII, No. 9, p. 217 (December 12, 1914). This gives a loophole for the courts to announce a policy of non-interference in Masonic disputes. Johnston, J., laid down the general rule in *Hackney vs. Vawter*, 39 Kansas, 615 (1888), when he said at p. 628: "Civil courts have no ecclesiastical jurisdiction, and never interfere in matters of church polity, except for the protection of civil rights and the preservation of that religious freedom guaranteed by the Constitution." See also *Ferizel vs. Trustees*, 9 Kan., 592 (1872), and *Dickinson vs. Beal*, 10 Kan. App., 233 (1900).

miles of a place of religious worship during times of meeting therefor, to be unconstitutional because it did not provide for a judicial hearing.

There is frequently a provision, as in the amendment of 1880 to the Nevada Constitution of 1864 (Art. XI., sec. 10, title "Education"), that "No public funds of any kind or character whatever, State, county or municipal, shall be used for sectarian purposes." Not all courts, happily, go so far as the Supreme Court of that State in the case of *State vs. Hallock*, 16 Nev., 173, 1872. For the purpose of ascertaining the meaning of the words "sectarian purposes" the court examined the history of the State in relation to appropriations, as shown by its statutes and legislative proceedings, and held, per Leonard, C. J., that the words were used in a popular sense; that a religious sect is a body or number of persons, united in tenets, but constituting a distinct party by holding doctrines different from those of other sects, or people, and that every sect of that character is sectarian within the meaning of that word used in the State Constitution. And accordingly the Nevada Orphan Asylum, in charge of the Roman Catholic Sisters of Charity, whose mother house is at Emmitsburg, Maryland, was held a sectarian institution.

The Constitution of Oregon, approved by the people of that State in November, 1857 (and which has never been superseded, although the admission of that Territory to the Union did not take place until February 14, 1859), contains the following unique clause: "Art. I., sec. 5. Nor shall any money be appropriated for the payment of any religious services in either house of the legislative assembly."

The clause in the Constitution of many of the Western States formerly under Mormon domination is similar to the following, copied from Art. I., sec. 4, of the Idaho Constitution of 1889: ". . . but the liberty of conscience hereby secured shall not be construed to . . . justify polygamous or other pernicious practices inconsistent with morality or the peace or the safety of the State nor to permit any person, organization or association to directly or indirectly aid or abet, counsel or advise any person to commit the crime of bigamy or polygamy or any other crime. . . ." In the same year Montana added in Art. III., sec. 4, to the words "peace or safety of the State" the clause "or opposed to the civil authority thereof, or of the United States." In construing the Idaho provision, Ailshie, C. J., in *Toncray vs. Budge*, 14 Idaho, 621 (1908), held that the constitutional convention (see p. 654) was guarding against acts and practices and teachings, not beliefs. At page 652 of the report he said: "Constitutions and statutes are drafted and adopted for the government of men and the regulation of their conduct in a civil and temporal government of human beings

in this life. Constitutions and statutes care nothing about what men believe with reference to a future existence; indeed, they are intended in this American Union to protect a man in believing anything he wants to believe with reference to the future. They do not deal with beliefs, but with acts and practices. They protect any man in believing anything he wants to believe with reference to the future, but they prohibit him from acting or practicing anything in any manner contrary to good morals or the public weal as prescribed by the laws of the land. . . . At the time of the holding of the constitutional convention, the Church of Jesus Christ of Latter Day Saints, commonly called the Mormon Church, recognized two kinds of marriages, one for time only, or for this life only, and the other for both time and eternity, or for this life and the life hereafter, and it was the intention of the framers of the Constitution and the people in its adoption to prohibit plural marriages of either kind; but the prohibition only extends to the natural life of the parties and to this civil and temporal government . . .”⁶

In 1865 a law was approved in Missouri prohibiting preaching unless under conditions prescribed by the civil authorities of that State. It probably owed its passage to the war-time excitement and, if not repealed, is no doubt now a dead letter. Section 6 of Article II. of the Constitution of 1875 reads as follows: “That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister of the Gospel, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.” This clause seems not to have been in controversy before the Appellate Courts of Missouri. It was pressed on the Judges of the St. Louis (intermediate) Court of Appeals in the case of *Brewer vs. Cary*, reported in 127 *Southwestern Reporter*, 685 (1908), in which the writer was of counsel. The facts are of interest. Prior to Cary’s marriage to Judge Brewer’s daughter he signed the following instrument: “I, the undersigned Wade Cary, not a member of the Roman Catholic Church, wishing to contract marriage with Miss Gertrude A. Brewer, a member of the Roman Catholic Church, purpose to do so with the understanding that the marriage bond thus contracted is indissoluble, except by death; and I promise that she shall be permitted the free exercise of religion, according to the Roman Catholic faith, and that all children of either sex born of this marriage shall be baptized and educated in the faith and according to the teaching of the Roman Catholic Church, even if she should

⁶ This Judge, now in his thirties, is the youngest Chief Justice, if not the youngest Justice of any Appellate Court in the United States.

happen to be taken away by death." At his wife's death the defendant broke his agreement, and Judge Brewer, the godfather of his grandchildren, brought a bill in equity to enforce the ante-nuptial agreement recited above. The lower court and the Court of Appeals as well dodged the issue and threw the plaintiff out of court on the authority of several English cases. Preparations were being made to take the case still further, to the Supreme Court of the United States if necessary, when Cary died and Judge Brewer was awarded the control of the religious education of his grandchildren and their custody as well. The law of the United States on this point is not well settled.⁷

In accordance with the provision of the Georgia Constitution of 1868 (section 12), that no man shall be subject to any civil or political incapacity by reason of his opinion upon any subject, it was held in *Maxey vs. Bell*, 41 Ga., 183 (1870), that because one is a Universalist, infidel or holder of any faith or views, is no ground for his removal from the guardianship of minor children to which he was appointed by the will of the deceased father of the children.

The following extract from the opinion of Dixon, J., in the case of *Percey vs. Powers*, 51 N. J. L., 432 (1889), at p. 435, is of interest; the decision will later be cited. "One of the great causes which led to the settlement of the American colonies was the desire of the immigrants that their Government should not make discriminations against them because of their religious tenets. It was not so much that they esteemed any particular privilege denied to them as of value sufficient to warrant their expatriation, but they insisted upon the more general doctrine that their belief or disbelief on religious topics should not debar them from rights which the laws afforded to other subjects.

"Even up to the time of our Revolution this doctrine had not broadened out into the principle which we now consider just; for in the (New Jersey) Colonial Constitution of July 2, 1776, equality of rights was claimed for only those of the Protestant faith, the language being 'that no Protestant inhabitant of this colony shall be denied the enjoyment of any civil right merely on account of his religious principles.' (A similar provision will hereafter be noted as occurring in other colonies.) But evidently the framers of that instrument were aiming to establish a rule of action which should control the operations of all departments of the Government they were forming, and not merely to guard the rights they had previously possessed. It was because those rights had been inadequate

⁷ See "The Agreement Prior to Mixed Marriages: Its Validity in State Law," by Charles O'Sullivan and the writer, "The Catholic World" for June, August and November, 1911 (Vol. XCIII, Nos. 555 and 557, Vol. XCIV., No. 560).

that they had repudiated the Government which refused to enlarge them, and to secure such extension the new Government was organized. In this Government so important was to be the doctrine of impartiality towards the religious views of Protestants at least, that every person entering upon the exercise of legislative functions was required to bind himself by an oath not to assent to any law, vote or proceeding which should annul, repeal or alter it. The idea that in enacting laws to confer upon the people civil rights not before enjoyed, or in their interpretation, this fundamental doctrine could be disregarded appears wholly inadmissible. When, in 1844, a more enlightened spirit stripped the doctrine of its sectarian bonds and developed it into a principle of liberty, assuring to all persons the enjoyment of civil rights, irrespective of their religious principles, there was certainly no purpose to lessen the scope or vigor of its operation. It was still designed to permeate every department of the Government. The object in view was to guarantee to every one that his religious principles should never under any circumstances be made the ground of denying to him any civil right which, with different religious principles, he might lawfully claim. I can perceive no reason for insisting upon the enforcement of this constitutional provision, with regard to rights existing at the time of its adoption, which does not with equal strength support its application to those subsequently created."

The case of *Hitter vs. German Roman Catholic Society of St. Aloysius* (4 Kentucky Law Reps., 871), at issue as late as 1883, decides that where the appellant had been expelled from a religious society on account of the non-performance of the religious duties required of him by the society's constitution, he is not entitled to restoration to his privileges as a member of the society on the ground that his civil rights have been diminished on account of his religion, contrary to the State Constitution.

Judge Richards, of the Court of Appeals, held that the appellees' rules were in no way contrary to the State Constitution. The plaintiff (appellant above) was to acquire certain sick and death benefits upon condition that he performed certain religious duties required of members of the Roman Catholic Church. He went on to say (p. 875): "If this Court should order his restoration to full fellowship, it would thereby be converting a conditional right into one that is absolute. This could not be done without infringing upon the religious liberties of the other members. . . . To attempt to compel those who have remained faithful to the tenets of this religious society to restore plaintiff to 'full fellowship' would be an arbitrary effort of human authority to control or interfere with the rights of conscience guaranteed to the other members, an injustice

prohibited by the Constitution of Kentucky . . . to demand of them that they shall 'see that he receives the last rites of the Roman Catholic Church,' and when death has claimed him, that the solemn ceremony of 'Mass' (quotations in the text of the report) be said for the repose of his soul, would be to require of them what would be impossible, except by an utter disregard of the liberty of conscience of all those who worship God according to the doctrines of that Church. The religious liberty of every denomination in this land demands that no such principle as this be declared as the law of Kentucky."

While no State Church was established in the Commonwealth of Massachusetts, provision was made in Article III. of the "Declaration of Rights" in the Constitution of 1780 for the support of teachers and preachers of the "Protestant" religion. We quote in extenso: "As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of public instructions in piety, religion and morality, therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, And the Legislature shall from time to time authorize and require the several towns, parishes, precincts and other bodies politic or religious societies to make suitable provision at their own expense for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion and morality in all cases where such provision shall not be made voluntarily.

"And the people of this Commonwealth have also a right to and do invest their Legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid at stated times and seasons if there be any one whose instructions they can conscientiously and conveniently attend.

"Provided, notwithstanding, that the several towns, parishes, precincts and other bodies politic or religious societies shall at all times have the exclusive right of electing their public teachers and of contracting with them for their support and maintenance.

"And all moneys paid by the subject to the support of public worship and of the public teachers aforesaid shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any one whose instruction he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised." This provision was not super-

seded until the eleventh amendment of 1833, which simply allowed the societies themselves to raise the money among their members; "and all persons belonging to any religious society shall be taken and held to be members until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society." And it was held that even the Shakers were a religious society under the Constitution in *Lawrence vs. Fletcher*, 8 Mecal's reports, 153-162 (1844).

It may be here noted that the Maine Constitution of 1819, still in force and never amended in this particular, did not follow its parent Commonwealth and enacted what was for those times a most liberal freedom of religion clause. (See Article I. of the "Declaration of Rights.")

Of all the New England States, New Hampshire has been the most bitter against Catholics. The Constitution of 1784 and of 1792 contained in Article VI. of the "Bill of Rights" a provision similar to the Massachusetts one just cited. And this article was retained by the people in 1876, although the constitutional convention abolished all religious disqualifications. The convention of 1889 also voted to abolish this distinction; but this vote also failed of ratification.⁸ "At the session of the constitutional convention at Concord, on June 14, 1912, an amendment to Article VI. of the 'Bill of Rights,' striking out the word 'Protestant' and the phrase 'rightly grounded on Evangelical principles,' as modifying the provisions for free public worship, was unanimously adopted. A similar amendment adopted by the last constitutional convention in 1902 failed of ratification when submitted to a vote of the people of the State."⁹

In the case of *Hale vs. Everett*, 53 N. H., 9 (1868), Sargent, J., held that this Article VI., while it empowers the Legislature to authorize the several towns, parishes, bodies corporate or religious societies within the State to make adequate provision at their own expense for the support and maintenance of public Protestant teachers of piety, religion and morality, does not directly, and was not intended to, and does not by implication, forbid the Legislature to authorize the towns, etc., or religious societies to make provision for the support of any other religious teachers besides Protestants. This power is given under section 5 of part second (empowering the Legislature to pass laws for the general good). And the third paragraph of Article VI. was designed to show that, although the framers of the Constitution had a preference for the Protestant re-

⁸ Catholic Encyclopedia, Vol. X., p. 787, col. 2, title "New Hampshire."

⁹ "America," Vol. VIII., No. 11, p. 252, June 22, 1912.

ligion rather than the Roman Catholic, and were willing to encourage the former as far as consistent, yet they held the rights of conscience of both to be alike and the same. The same rights of conscience are guaranteed to all.

The Judge's opinion runs from page 49 to page 133 of the report; as far as it is a sop to the Catholics it is mere dicta, for the dispute in the case was between two factions of a Unitarian church. And Justice Doe, who dissents in a strong but equally long opinion (pp. 133-276), plainly says that the provision was an anti-Catholic one and nothing else (at p. 170 et seq.).

We have already cited the Maryland Constitution of 1776. Article XXXIII. of the "Declaration of Rights," quoted in part above, continues: "And all acts of Assembly lately passed for collecting moneys for building or repairing particular churches or chapels of ease shall continue in force and be executed, unless the Legislature shall by act supersede or repeal the same; but no county court shall assess any quantity of tobacco or sum of money hereafter on the application of any vestrymen or church wardens; and every incumbent of the Church of England who hath remained in his parish and performed his duty shall be entitled to receive the provision and support established by the act entitled 'An act for the support of the clergy of the Church of England, in this province,' till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish and performed his duty." This provision seems not to have come before the courts for adjudication. The Constitution was not rewritten until 1851.

The Vermont Constitution of 1777 (Article III., chapter 1) is similar to the New Jersey Constitution quoted in Justice Dixon's opinion above: "Nor can any man who professes the Protestant religion be justly deprived or abridged of any civil right as a citizen on account of his religious sentiment or peculiar mode of religious worship." In 1786 these words were eliminated, leaving the declaration one of freedom of worship for all. And such was the provision of the Constitution adopted after the admission of Vermont to the Union in 1793.

In Connecticut the situation is well explained by Church, J., in the case of *Jewett vs. Thames Bank*, 16 Conn., 511 (1844), at p. 515. He says: "During the early history of the State, and before the adoption of our present Constitution (1818), all ecclesiastical societies having territorial limits were considered to be, and in fact were, municipal and public corporations. . . . To support and maintain religious instruction and worship through the agency of these societies was a public duty enjoined by law. . . . And every indi-

vidual residing within the limits of any such society was considered by the law as much a member of it as each resident of a town was deemed its inhabitant. In later times and since the Constitution of the State has been adopted a different state of things in this respect has existed. The law now makes no compulsory provision for the support of ecclesiastical institutions (quoting the Constitution). . . . And of course no person can now become a member of a religious society until by his voluntary act he has united with it." And once deemed a member, he could, by a constitutional provision similar to the Massachusetts clause, separate himself from the society if he so desired only by a written instrument.

We may close this section by a quotation from the California case in which Spiritualism was under discussion. Chancellor Hayne said in *Newman vs. Smith*, 77 Cal., 23 (1888), at p. 25: "We do not think at this period in this country a court is justified in pronouncing any form of religious belief superstitious or contrary to public policy when not followed by acts which are recognized as hurtful to society."

RELIGIOUS TESTS.

1. Citizenship.

The only constitutional provision relating to the matter of this sub-section is section 42 of the New York Constitution of April 20, 1777. It has to deal with naturalization, and provides that the persons seeking to be naturalized take an oath of allegiance "and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate and State in all matters, ecclesiastical as well as civil." This section was omitted in the Constitution written in 1821 and adopted in 1822 and in all other subsequent Constitutions of that State.

The "Bill of Rights" of the Kansas Constitution of 1859 (sec. 7) states that . . . "No religious test . . . shall be required for any . . . vote at any election." There is a similar provision in the Oklahoma Constitution. Generally the right to vote is included in the broader statements of the Michigan Constitution of 1850, Art. IV., sec. 41: "The Legislature shall not diminish or enlarge the civil or political rights, privileges or capacities of any person on account of his opinion or belief concerning matters of religion." This has been generally construed, as by Montgomery, J., in *Pfeffer vs. Board of Education*, 118 Mich., 560 (at p. 563) (1898), to mean that "The primary purpose of section 41 was to exclude religious tests and to place all citizens upon an equality before the law as to the exercise of the franchise of voting or holding office."

2. Office-holding.

Unfortunately, all States are not, even to-day, as liberal as Michigan. While manhood suffrage is well-nigh universal, there are still restraints on office-holding. Professor Thorpe is the only author who has treated this subject in detail; the following quotation is therefore important. He tells us that in early days "a religious qualification was required for the franchise. This was a survival. For a century and a half 'being in church fellowship' had meant in Massachusetts membership in the Congregational Church. (We have outlined above the establishment of a State Church in South Carolina.) Connecticut and New Hampshire resembled Massachusetts in their provisions respecting church membership as a political qualification. Virginia resembled South Carolina. But resemblance is not identity. In other States religious sects abounded and multiplied till public opinion resembled that which ruled in the Federal convention when the qualifications for office were under consideration; no religious qualification could be adopted that would please all the States; therefore all were abandoned. . . .

"The religious qualifications, so strong in some colonies for a time, in as far as they affected the voter, may be said to have disappeared with the abandonment of the first South Carolina Constitution in 1790. The Constitution of Massachusetts did not require church membership. For a time public opinion did, but this encumbrance on the political estate may be said to have been fully satisfied before 1820. The office-holding class was not exempted so early. Governors and legislators must give security, and none other was thought equal to the property and religious qualifications. No man known to be irreligious could have been chosen Governor of Rhode Island or of Connecticut in colonial times. In public opinion this was an unwritten qualification. Had the office been elective in other colonies, probably the result would have been similar. The colonial period was one during which property, integrity and religion were inseparable in the public mind. It may be said now that church membership is no longer conclusive evidence of probity or integrity. A man is not defeated at the polls, as he would have been during the greater part of the eighteenth century, simply because he is not a church member. (But what if he is a member of a church opposed by the Guardians of Liberty?) Is it not fair to conclude that the people of that time had no other equally good test, or at least that they thought so?

"In 1705—and the law was reenacted thirty-six years later in Delaware to include all office-holders—a member of the Assembly in Pennsylvania was required to profess faith in the Trinity and the

inspiration of the Scriptures. It was proposed to incorporate the same oath in the Constitution of the State in 1776 and to have it apply to the electors and all officials. Franklin, the president of the convention, succeeded in limiting the oath to members of Assembly and in modifying it merely to a declaration of belief in God, the inspiration of the Scriptures and a future state of rewards and punishments. The change in public opinion respecting requirements of this kind is recorded in the Constitution of the State of 1790, in which the old provision barely survives in negative form, that no person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold office in the State. (See a similar negative provision as to Protestants in New Jersey discussed above.) And this provision is repeated in the Constitutions of 1838 and 1873. In 1704, the year before the Pennsylvania act, the South Carolina Assembly had passed one of stricter ecclesiastical tenure. Members of Assembly who, within twelve months, had not received the sacrament were required to take it according to the Church of England, and in open Assembly to deliver proper certificate to the fact, signed by the minister, or to prove the fact by two witnesses on oath. It is not strange that the first Constitution of the State, seventy-two years later, should contain some survival of a public opinion that could dictate such a law. The New England States, New Jersey and North Carolina limited office-holding to Protestants either by law or in their Constitutions. By the Constitution of 1780 the candidate for Governor (and Lieutenant Governor) of Massachusetts was required to be worth £1,000 and 'to declare himself to be of the Christian religion.' The religious test was abolished in 1821 and the property qualification in 1892.

"In North Carolina the qualification at last led to the calling of the convention of 1835 to modify the phrase. Jews were practically excluded from public office everywhere, and Catholics also, except in New York and Maryland. They were not numerous in this country in the eighteenth century, but they existed in numbers sufficient to prove a powerful accessory to the political party that should first declare for reforms in the franchise. They were joined, of course, by that increasing number of non-church people who considered all religious qualifications a violation of human rights."

Judge Cooley put out the first edition of his work almost a half century ago, yet he could then say: "Under the North Carolina Constitution all persons who deny the existence of Almighty God shall be disqualified for office;¹⁰ and the Constitutions of Mississippi

¹⁰ The wording of Section 32 of the North Carolina Constitution of 1776 was "That no person who shall deny the being of God or the truth of the Protestant religion, or the divine authority of either of the Old or New

and South Carolina provide that no person who denies the existence of a Supreme Being shall hold any office under this Constitution. The Constitution of Tennessee provides that no person who denies the being of a God or a future state of rewards and punishments shall hold any office in the civil department of this State, which shows traces of the old notion that truth and a sense of duty do not consort with skepticism in religion.

"Many Constitutions expressly forbid religious tests as a qualification for office or public trust.

"Some Constitutions (Tennessee, Delaware, Maryland and Kentucky) contain provisions, more or less broad, which exhibit a jealousy of ecclesiastical authority by making persons who exercise the functions of clergyman, priest or teacher of any religious persuasion, **society or sect ineligible to civil office.**

"These clauses are exceptional, however, and it is believed that where they exist they are not often made use of to deprive any person of the civil and political rights and privileges which are placed by law within the reach of his fellows."

The disqualification of the non-religious, i. e., those who did not openly profess some known form of religious belief, from the franchise commenced to disappear about 1795, when the Democratic party began the struggle for the extension of the franchise. But the hatred of clergymen in public office exists in some communities to the present day. Thus while Colorado may have a minister for its Governor, Maryland still forbids clergymen to be members of its Legislature. And no later than last year the seat of a Senator was contested; he held it only by the plea that he was no longer active as a preacher.

North Carolina still has its test for office-holding;¹¹ South Carolina and Tennessee have abolished theirs since Judge Cooley wrote. So, too, has Mississippi; but the only Catholic known to have held office under that State is Attorney General Johnston, who, in 1894-6, filled an unexpired term by Gubernatorial appointment. Delaware changed its Constitution in 1897. And the Georgia disqualification

Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State." It has been well said that "It would be difficult to formulate a statute more obscure in its terms or inviting more controversy as to its meaning." (Annotated Const. Nor. Car., Connor and Cheshire, Introduction, p. 27.)

¹¹ It is similar to the thirty-seventh Article of the Declaration of Rights in the Maryland Constitution of 1867: "That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God." Article 34 of the Constitution of 1851 required "a declaration of belief in the Christian religion, and if he shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments."

of clergymen as members of the General Assembly in 1789, a survival of the Constitution of 1777, which provided that all members of the Assembly should be of the Protestant religion, itself only survived until 1798.

The great task of the Catholic William Gaston in the North Carolina constitutional convention of 1835 to remove the stigma on his clergy is shown by the bitterness of the debate on a similar clause of the Kentucky Constitution in 1849,¹² the only reported debates on this acrimonious topic that have come down to us.

Until 1864 Louisiana refused to permit clergymen who continued to exercise their functions a seat in the General Assembly. The Constitution framed in that year repeated the objectionable clause, but the State Government formed under that document was not recognized by Congress, and the Constitution of 1868 did away with the matter.

We have seen the course taken in Massachusetts, but Article XVIII. of the "Declaration of Rights" is of interest as showing the temper of the Bay State electorate. "A frequent recurrence to the fundamental principles of the Constitution and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the advantages of liberty and to maintain a free government. The people ought consequently to have a particular attention to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and Magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the Commonwealth."

The Missouri Constitution of 1820, in effect until 1875, contained the following clauses (sec. 5, Art. XIII., "Declaration of Rights") : "That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State. . . ." But Art. III., sec. 13, in full reads: "No person, while he continues to exercise the functions of a Bishop, priest, clergyman or teacher of any religious persuasion, denomination, society or sect whatsoever, shall be eligible to either house of the General Assembly; nor shall he be appointed to any office of profit within the State, the office of Justice of the Peace excepted." No Catholic priest has ever been elected chaplain in either branch of the Legislature. On the other hand, ministers of the Gospel may not be subjected to an occupation tax and their libraries are exempted from attachment for debt.

We have already discussed the situation in New Hampshire;

¹² "Clergymen and Public Office," *"America,"* Vol. III., No. 14, p. 318, July 13, 1912.

even a document written so lately as the Constitution of 1902 contained the old provision for the public support of "Protestant teachers of piety, religion and morality." The same instrument contains the same directions to the voters in electing officials as the Massachusetts "Declaration of Rights." But no person of one sect could be compelled to support the teachers of another; a Presbyterian successfully resisted, in 1803, a tax for the support of a Congregationalist minister (*Muzzy vs. Wilkins*, Smith Reports, p. 1). As far as statutory law was concerned, we are told that until 1877 it was necessary that each representative in the Legislature be "of the Protestant religion" (Gault and Spalding, p. 59).

The New York Constitution of 1777 was a bit hypocritical about the matter. Section 39 sets forth: "And whereas the ministers of the Gospel are by their profession dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the Gospel, or priest of any denomination whatever shall, at any time hereafter, under any pretense or description whatever, be eligible to or capable of holding any civil or military office or place within this State." And the Constitution of 1822 retained the provision, merely substituting "cure" for "care of souls." The prohibition disappeared with the Constitution of 1846.

We may close our view of the old régime with the provision of the Constitution of Vermont of 1777 (chap. II., sec. 9): "That each member of the House of Representatives, before he takes his seat, shall make and subscribe the following declaration, viz.: 'I do believe in one God, the Creator and Governor of the universe, the rewarder of the good and the punisher of the wicked; and I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration, and own and profess the Protestant religion.'" This clause was dropped in the revision of 1786 and never reappeared thereafter.

The modern sweeping clause is exemplified in the Arizona Constitution of 1912: "No religious qualification shall be required for any public office or employment." (Art. II., sec. 12, "Declaration of Rights.")

And we may finally note that clergymen are now usually exempted from jury duty, and that some States, as South Dakota, exempt them from the payment of a poll tax.¹³

3. Duty to Bear Arms in Defense of the State.

Texas and some other States forbid in their Constitutions compul-

¹³ The North Carolina Constitution of 1776 (Article XXXIV.) contained this warning: "Provided, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment."

sory military duty. Clergymen are usually exempted from this burden, as are many whose conscientious scruples forbid them to take up arms for any reason whatsoever. As early as 1657 Rhode Island courageously denied the demand of the United Colonies that Quakers should be banished, and held that military service should not be exacted from those whose religious scruples forbade the bearing of arms.

Section 40 of the New York Constitution of 1777 provided for the establishment of a State militia and, *inter alia*, "That all such inhabitants of this State being of the people called Quakers as, from scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the Legislature; and do pay to the State such sums of money, in lieu of their personal service, as the same may, in the judgment of the Legislature, be worth."¹⁴ North Dakota (Constitution of October 1, 1889, Article XIII., No. 188), exempts such persons *in times of peace*, but requirest payment; that State also allows the Legislature to exempt and recognizes explicitly the power of the Federal Congress to do likewise. Article X., sec. 2, of the Oregon declaration of rights is similar. Many States, as Pennsylvania (Article XI.), allow the Legislature to exempt and made no provision for money payments by those exempted.

4. *Witnesses.*

The conscientious scruple against bearing arms was usually accompanied by an equally conscientious scruple against taking an oath. Were these scruples respected? And what of those who were non-religious or who did not believe in a future state of rewards and punishments?

Again we quote Judge Cooley: "Some of the State Constitutions have also done away with the distinction which existed at common law regarding the admissibility of testimony in some cases. All religions were recognized by the law to the extent of allowing all persons to be sworn and to give evidence who believed in a superintending Providence, who rewards and punishes, and that an oath was binding on their conscience. But the want of such belief rendered the person incompetent. Wherever the common law remains unchanged, it must, we suppose, be held no violation of religious liberty to recognize and enforce its distinctions; but the tendency is to do away with them entirely or to allow one's unbelief to go to his credibility only, if taken into account at all."

The Illinois Constitution of 1870 provides in Art. II. ("Bill of

¹⁴ Article VII., Section 5, is equivalent in the Constitution of 1821 to Section 40 above, except that for "Quakers" are substituted "of any religious denomination whatever." The Constitution of 1846 left the whole matter to the Legislature, where it appears to have since remained.

Rights”), sec. 3, *inter alia*, as follows: “No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations. . . .” The changes from an historical standpoint are traced for us in the decisions of the Illinois courts. *Hronek vs. the People*, 134 Ill., 139, decided in 1890, holds that the section quoted has abrogated the rule which obtained prior to 1870, restricting the competency of witnesses on account of defect of religious belief, and there is no longer any test of qualification in respect to religious belief or want of the same which affects the competency of citizens to testify as witnesses in courts of justice. Justice Baker overruled *R. R. Co. vs. Rockafellow*, 17 Ill., 541 (1856), and said (p. 152): “The obvious meaning of the provision in the Constitution is that whatever civil rights, privileges or capacities belong to or are enjoyed by citizens generally shall not be taken from or denied to any person on account of his religious opinions.” And at p. 151: “No man because of his religious belief is to be held to be excused from taking the prescribed oath of office before entering upon the discharge of public duty, nor can he be permitted to testify because of such religious belief or opinion, except upon taking the oath or making the affirmation required by law.” And Judge Lacey, in the same year, speaking for the Second District (Intermediate) Court of Appeals, in *Ewing vs. Bailey*, 36 Ill. App. 191, said at p. 194 that the above provision of the Constitution is very comprehensive. “It not only saves all the civil and political rights of the citizens as against any religious opinion, but ‘privilege and capacity.’ Now it cannot be denied that the right to testify is a privilege, especially when the party is called to testify in his own behalf, and which he would be allowed to do save for religious opinions. It is also a capacity in which generally the citizen may act, and according to the Constitution he cannot lose by reason of his religious opinions. . . . The penalties denounced by law against the crime of perjury and the innate moral principles of man and the inborn sense of right and wrong are now regarded such a sufficient guarantee against false swearing as to admit witnesses to testify, leaving it to courts and juries to determine the weight proper to be given to their evidence.”

Chief Justice Scales said in *R. R. vs. Rockafellow*, *ut supra* (pp. 552-3-4): “In early times Lord Coke laid down the rule as excluding all not Christians, a rule as narrow, bigoted and inhuman as the spirit of fanatical intolerance and persecution which disgraced his age and country. . . . All are competent (*Omichund vs. Barker*, Wills’ Reports, 538) who believe that there is a God, the Creator and Preserver of all things, and that He will punish them if

they swear falsely in this world or in the next, and a want of such belief will render them incompetent to take an oath, without which no one can testify in a court of justice. A liability to civil punishment and the fear of it will not substitute that moral, conscientious obligation under which witnesses are required to state facts as testimony, and which is supposed to be imposed and exist by an oath taken by one entertaining such belief. . . . But one having no religion, believing in no God and not accountable to any punishment for falsehood **here or hereafter, except** his own notions of honor, veracity and amenability to criminal justice cannot be sworn, as no legal, moral, conscientious obligation or responsibility, in the view of the law, can be imposed by an oath, and he may not testify without it."

Nowadays courts have veered around, and a man's fear of legal punishment, his sense of honor, his jealousy for his good name, are all held to give sanction to his oath before taking the witness stand. But it is true that perjury is so prevalent that several years ago the president of the New York State Bar Association made the matter the subject of his annual address. On the other hand, at common law, as Judge Lacey points out in *Ewing vs. Bailey*, *supra*, at p. 195, "Fear of Divine punishment seemed to be thought the only effective restraint against the crime of perjury, and yet the same law prescribed that no witness should be qualified to testify in a case where he was a party or had the slightest pecuniary interest in the result of the suit." This was the common law in the United States until after the middle of the last century. And even in the Northern State of Illinois in those days Indians, Negroes and mulattoes were incompetent to testify against whites, no matter what the religion of the former.

As late at 1882 the question was raised in the Kentucky courts, and Hines, J., said in *Bush vs. Commonwealth*, 80 Ky., 244 (at p. 249): "The Constitution changes the common law rule and makes competent as witnesses all persons so far as any religious test is concerned. . . . The object (of the constitutional provision) was to make the divorce between Church and State irrevocable, to establish unequivocally that the province of government is to deal with the **temporal relations and affairs** of men and in no case with matters spiritual, and that under no circumstances should any burden be placed upon any one or any penalty enforced on account of opinion in reference to religious or spiritual matters.

"The obvious meaning (of the sixth section of the "Declaration of Rights") is that whatever civil rights, civil privileges or civil capacities belong to or are enjoyed by the citizens generally shall not be taken away from or denied to any citizen on account of his

opinions in regard to religious matters. It is a declaration of an absolute equality, which is violated when one class of citizens is held to have the civil capacity to testify in a court of justice because they entertain a certain opinion in regard to religion, while another class is denied to possess that capacity because they do not conform to the prescribed belief. Free governments deal with the acts of the citizen and not with his thoughts. To proscribe or punish for religious or political opinions is of the essence of despotism. To apply the rule insisted upon would be to make a religious test, which is contrary as well to the letter as to the spirit of the Constitution. . . . We think that this provision of the Constitution not only permits persons to testify without regard to religious belief or disbelief, but that it was intended to prevent any inquiry into that belief for the purpose of affecting credibility.”⁴

This last clause exhibits a broadminded view of the remedy intended to be effectuated by the new constitutional clauses. But in many instances judicial regard for the common law precedents died hard. The Oregon Constitution of 1857 contained a clause similar to the one under discussion. But in 1861 Justice Boise held in *Goodall vs. the State*, 1 Ore., 333, that it was error not to have admitted in evidence that deceased was a disbeliever in a future state of rewards and punishments for the purpose of discrediting his dying declarations. In 1880 Chief Justice Kelly held in *State vs. Ah Lee*, 8 Ore., 214, that in order to render dying declarations admissible in evidence, it is not requisite that the deceased should have been a believer in the Christian religion at the time the declarations were made. And the broader view would undoubtedly obtain in the greater majority of our jurisdictions to-day.

The Maryland Constitution of 1867, still in force, provides (“Declaration of Rights,” Art. XXXVI.): . . . “Nor shall any person otherwise competent be deemed incompetent as a witness or juror on account of his religious belief, provided he believes in the existence of God and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come.” And Art. XXXIX. goes on to say “That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession or denomination of which he is a member generally esteem the most effectual confirmation by the attestation of the Divine Being. . . .” There seem to be no cases in the Appellate Courts of this State adjudicating evidential disputes under these sections of the “Declaration of Rights.”

In the same jurisdiction Art. XXXVI. of the “Declaration of Rights” in 1776 provides that upon affirmation Quakers, Dunkers

and Menonists (sic) may be allowed to affirm, and that warrants of searches and seizures may be granted on such affirmations and members of these sects be admitted as witnesses in all criminal cases not capital. The amendment of 1795 allows Quakers, Menonists, Tunkers or Nicolites or New Quakers to qualify for office by affirmation, and the amendment of 1798 allows the last above-named sects, conscientiously scrupulous of taking an oath, to affirm as witnesses in all cases.

In *Thurston vs. Whitney*, 56 Mass., 104, Justice Wilde, in 1848, following the general rule in force at the time, held that an atheist was not competent as a witness and that the "Declaration of Rights" was intended merely to prevent persecution by punishing any one for his religious opinions, however erroneous they might be. The rejection of a witness is no violation of this article of the Constitution. "It would not 'hurt, molest or restrain him in his person, liberty or estate'"—a very narrow construction.

Twice the question has come before intermediate courts of appeal in Missouri. And they have held that atheism or peculiarity of religious belief does not disqualify one as a witness; *Londener vs. Lichtenheim*, 11 Mo. App., 385 (1882); two years later it was decided that the fact that a child otherwise competent has never received religious instruction does not disqualify her as a witness; *Cadmus vs. St. Louis Co.*, 15 Mo. App., 86. The Constitution of 1875 contains the usual modern provision.

Nebraska, in 1875, added a proviso, not now uncommon, that nothing contained in its "Declaration of Rights" "shall be construed to dispense with oaths and affirmations." Ohio had it in 1851.

In 1879 Judge Foster seems to have been a bit more liberal than his electorate in New Hampshire. He said in *Free vs. Buckingham*, 59 N. H., 219 (at p. 225): "It is not customary in modern practice to permit an inquiry into a man's peculiarity of religious belief. This is not because the inquiry might tend to disgrace him, but because it would be a personal scrutiny into the state of his faith and conscience contrary to the spirit of our institutions."

We have considered in another section above the opinion in the New Jersey case of *Percey vs. Powers*. It was therein decided that a party who did not believe in a Supreme Being Who would punish perjury was competent as a witness.

New York changed its Constitution in 1846, nearly a decade before parties even pecuniarily interested in the outcome of litigation were allowed to testify in England. But twelve years later Judge Balcom in *Stanbro vs. Hopkins*, 28 Barbour's Reports, 265, exhibited the usual judicial prejudice when he held that notwithstanding the constitutional provision a party against whom a witness is called

may interrogate him, on his cross-examination, as to his opinions on matters of religious belief, and show by him that he does not believe in the existence of a God Who will punish false swearing. And it is not erroneous for the trial judge to charge the jury that the fact thus proved will go to the credit of the witness. Yet Justice Vann, of the Court of Appeals, has pointed out in *People vs. Johnson*, 185 N. Y., 219 (1906), that unbelievers were made competent by statute before the Constitution so provided (2 R. S., 408).

Pennsylvania has no constitutional provision in this regard. Members of the Philadelphia bar will remember the frequent controversy over the admission of the testimony of Dr. Persifor Frazer, often called as an expert witness in cases of disputed handwriting, who was an atheist of the deepest dye. It has taken a recent statute to change the common law of the State.¹⁵

In Vermont the administration and voluntary taking of an unnecessary oath is made penal by statute. This provision was originally a part of the anti-Masonic legislation enacted in 1833.

The seal of the confessional, respected in England until the so-called reformation changed the common law, is respected in many States to-day by statute. And the tendency of the courts is to hold it as inviolable as confidential communications made to one's attorney or physician. Sometimes, however, statutes granting a confessor immunity from commitment for contempt of court in refusing to testify are strictly construed. So that a statement made to one's pastor not in confession would be required by the courts to be disclosed on the witness stand by the cleric. The subject is elaborately treated in the *Catholic Encyclopedia*.

SCHOOLS.

This is another section which merits fuller exposition than I am allowed. The decisions are in hopeless conflict and I will not do more than outline many of them.

The Ordinance of 1787 declared that religion, morality and knowledge were necessary to good government and the happiness of mankind, and further provided that for these purposes schools and the means of education should forever be encouraged. Before we take up two decisions in the territory affected by the ordinance let us look at the earliest decision on the question of Bible-reading in the public schools.

In *Donahoe vs. Richards*, 38 Maine, 379 (1854), Justice Appleton held that a requirement that scholars attending the public schools

¹⁵ In the Keystone State witnesses were not allowed to testify in either the civil or criminal courts unless they believed in the existence of a Supreme Being, though their other religious opinions did not need to square with those usually held by Christians.

must read the Protestant version of the Bible was not unconstitutional. The "freedom of religion" clauses in the Constitution were held to have nothing to do with the case. Their object was simply to provide for the equality of all sects, and to prevent pains and penalties, imprisonment or the deprivation of social or political rights being imposed as a penalty for religious professions and opinions.

The Ohio Constitution of November, 1802, copied the words of the ordinance and added to "encourage" the words "by legislative provision not inconsistent with the rights of conscience" (Art. VIII., sec. 3). It will be remembered that Congress owned much of the northwest territory and gave its rights therein to the various State Governments to be formed. Accordingly, section 26 of Article VIII. enacts that "laws shall be passed by the Legislature which shall secure to each and every denomination of religious societies in each surveyed township which is now or may hereafter be formed in the State an equal participation, according to their number of adherents, of the profits arising from the land granted by Congress for the support of religion agreeably to the ordinance or act of Congress making the appropriation." The Constitution of 1851 contained similar monitions to the Legislature, and Article VI., "Education," reads as follows: Sec. 1: "The principal of all funds arising from the sale or other disposition of lands or other property granted or entrusted to this State for educational or religious purposes shall forever be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations." Sec. 2: ". . . No religious or other sect or sects shall ever have any exclusive right to or control of any part of the school funds of this State."

In 1872 it was held by Judge Welch in *Board, etc., vs. Minor*, 23 Ohio State Reports, 211, that these constitutional clauses did not enjoin or require religious instruction or the reading of religious books in the public schools of the State.

A proposed Constitution was rejected in 1874. A few days before the election the "Cincinnati (Catholic) Telegraph" contained the following: "The duty of all Catholics of this State on the day of voting is plain and cannot be ignored without moral delinquency and civil disgrace. In full and unbroken ranks they must record their protest against a godless system of education by voting against a Constitution that would fasten anew upon them the hands of gigantic robbery."

The Michigan Constitution of 1835 provided (Art. I., sec. 5) that "No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious

seminary," and the Constitution of 1850 added (Art. IV., sec. 40): "Nor shall property belonging to the State be appropriated for any such purposes." The Bible question seems not to have been mooted in the courts of this State until 1898. Because of the comparative freshness of the decision, and for the further reason that it deals with the ordinance of 1787, probably the first public school law in the United States, I will quote in extenso from the decision of Justice Montgomery in *Pfeiffer vs. Board of Education*, 118 Mich., 560. He decided that the use of "Readings from the Bible," consisting of extracts embodying general moral precepts, as a supplemental text book of reading, where the teacher is not allowed to make comments and where such reading takes place at the close of the session, and from which any pupil may be excused on application of parents or guardian, is not in violation of the State Constitution. He said at p. 563 of the report: "The primary purpose of section 41 (of the Constitution) was to exclude religious tests and to place all citizens upon an equality before the law as to the exercise of the franchise of voting or holding office. . . .

"Nor has section 40 any more appropriate application. This section has a very plain meaning, which is that the public money may not be turned over to a religious sect to maintain churches or seminaries; and, unless the readings from the Bible or selections from the Bible constitute the public school a religious or theological seminary, this section has not, in my opinion, any application.

. . . "The most significant provision is sec. 39; and the meritorious question is whether any student or any taxpayer has been compelled to attend, erect or support a place of religious worship or to pay tithes, taxes or other rates for the support of any minister of the Gospel or teacher of religion. In determining this question, we should endeavor to place ourselves in the position of the framers of the Constitution and ascertain what was meant at the time. . . . It is . . . essential that we determine the intent of this provision by reference to the state of the law or custom previously existing and by the contemporaneous construction rather than attempt to test its meaning by the so-called advanced or liberal views obtaining among a large class of the community at the present day."

Section 4 of Article I. of the Constitution of 1835 "was doubtless taken from the Virginia Constitution of 1830. It is clearly shown that the inhabitants of that Commonwealth were by statute compelled to attend upon divine service. Ministers were in public statutes referred to as 'teachers of religion.' In 1784 a statute making provision for the support of ministers of the established Church was introduced under the title of 'A bill to establish a provision for teachers of the Christian religion.' This statute was repealed by a general

statute adopted in 1786, entitled 'An act for establishing religious freedom,' the preamble of which clearly shows that the term 'teacher of religion' was used as synonymous with 'minister.' The (Virginia) Constitution of 1830 was but an embodiment of this enactment in the organic law of the State. Can it be said that the adoption of this provision into our Constitution of 1835 was intended to have a wider scope? I think not. It is significant that this Constitution was adopted in pursuance of authority conferred by Article V. of the articles of compact contained in the Ordinance of 1787, which gave to the people of the territory a right to form a Constitution in conformity with the principles contained in the articles. . . . It is not to be inferred that, in forming a Constitution under the authority of this ordinance, the convention intended to prohibit in the public schools all mention of a subject which the ordinance, in effect, declared that schools were to be established to foster, particularly as the provision, when traced to its historic origin, is shown to have been aimed at quite another evil. In my opinion this provision, when incorporated into our organic law, meant simply that the inhabitants of the State should not be required to attend upon those church services which the people of Virginia had by this same enactment been relieved from, and that no one should be compelled to pay tithes or other rates for the support of ministers. If this meaning attached at that time, it has not been changed since.

"I do not wish to be understood as assenting to the proposition that the Ordinance of 1787 makes it imperative that religion shall be taught in the public schools. It was doubtless the opinion of the framers of that great document that public schools would of necessity foster religion. But the extent to which I go is to say that the language of this instrument, when read in the light of the fact that this was at that date a Christian nation, is such as to preclude the idea that the framers of the Constitution, 'in conformity with the principles contained in the ordinance,' intended, in the absence of a clear expression to that effect, to exclude wholly from the schools all reference to the Bible. I should certainly mistrust my judgment if it led me to a different conclusion, and on the best of grounds. The return in this case shows that since the admission of this State into the Union, a period of more than half a century, the practice has obtained in all the State institutions of learning of not only reading the Bible in the presence of students, but of offering prayer; that the text-books used in the public schools of the State have contained extracts from the Bible and numerous references to Almighty God and His attributes; and all this without objection from any source. These usages we may also take judicial notice of. In a doubtful case, involving any other question than one which appeals

so strongly to the prejudices of men, would not this universal usage, extending over so long a period, be deemed decisive by every one as a practical construction made by the administrative branch of the Government? . . ." The Justice then quoted Judge Cooley, himself of Michigan, reviewed cases from other States and reversed the judgment of the lower court. Judge Moore wrote an elaborate dissenting opinion (pp. 569 to 595), in which he took the ground that, while children should be carefully educated in religion, this branch of education was not within the province of the State. The fact that children were excused who did not wish to join in the readings did not in his opinion overcome the objection that the taxpayer's money was taken to impart religious instruction in which he did not believe.

In Illinois in 1891, in the case of *North vs. Trustees University of Illinois*, 137 Ill., 296, Justice Wilkin delivered a dictum to the effect that the rule of the State University requiring students to attend chapel exercises is not in conflict with the provisions of (Art. II., sec. 3) the Constitution, that no person shall be required to attend or support any ministry or place of worship against his consent where such exercises are not sectarian. I term it a "dictum" because the case really turned on the point whether the writ of mandamus could be used to enforce a doubtful or abstract right. In any view of the matter, however, I should say that this decision was overruled by *People vs. Board of Education*, 245 Ill., 334; the case was decided in 1910, and is probably the last pronouncement of our State Appellate Courts on this vexed topic. Justice Dunn held that the reading of the Bible in the public schools, the singing of hymns and the repeating of the Lord's Prayer in concert, during which time pupils are required to rise, bow their heads and fold their hands, constitutes worship within the meaning of the Constitution, and pupils cannot be compelled to join therein against their own or their parents' wishes. The section of the Constitution above referred to includes freedom from being compelled to join in any religious worshipping. At p. 340 of the report the learned Justice pithily says: "*The free enjoyment of religious worship includes freedom not to worship.*" Two of the seven Justices of the court of last resort dissented.

In *Billard vs. Board of Education*, 69 Kansas, 53 (1904), Greene, J., said that under the State Constitution "no person shall be compelled to pay tithes or taxes to secure or maintain a place where any form of religious worship shall be conducted or where any sectarian or religious doctrine is taught; nor shall any form of religious worship be conducted, or any sectarian or religious doctrine be taught, in any place supported by the imposition of taxes."

In Nebraska exercises by a teacher during school hours in the

presence of the pupils, consisting of Bible readings, song singing and prayer offering, in accordance with the doctrines, customs and usages of sectarian churches or religious organizations, are forbidden. (See *State vs. Scheve*, 65 Neb., 853, opinion written in 1902 by Ames, C.)

In Wisconsin the famous Edgerton Bible case, decided in 1890, held that Bible instruction in the public schools was sectarian and consequently unconstitutional.

Decisions looking the other way are found in the following States: Kentucky, where Justice O'Rear held in 1905 (*Hackett vs. Brooksville School District*, 120 Ky., 608) that the reading of the King James version of the Bible in the public schools and an opening prayer, neither of which children are compelled to attend, is not a violation of sec. 5 or sec. 189 of the Constitution, not being sectarian instruction. *Sectarian instruction, not religious instruction, is what is forbidden.* South Dakota, where the Bible may be read, but sectarian instruction is not allowed.

Massachusetts, where back in 1866 the famous Chief Justice Bigelow decided that an order of a school committee that the schools should be opened with prayer and a reading of the Bible and that each scholar should bow his head, unless his parents requested that he should be excused from so doing, was legal. But the Constitution would be violated were "the school committee to pass an order or regulation requiring pupils to conform to any religious rite or observance or to go through with any religious forms or ceremonies which were inconsistent with or contrary to their religious convictions or conscientious scruples." (*Spiller vs. Inhabitants of Woburn*, 94 Mass., 127.)

The clause in the Indiana Constitution of 1851 is similar to Art. I., sec. 5, of the Michigan Constitution of 1835, *supra*; there seem to be no cases construing the clause.

The Mississippi Constitution of 1869 added to the "religious liberty" clause of the "Bill of Rights" that "The rights hereby secured shall not be construed . . . to exclude the Holy Bible from use in any public school of this State." The Constitution of 1832 did not have, and the present Constitution, framed in 1890, omits this clause. In this State, as in North Carolina, the Catholic population is small and scattered.

Article XII., sec. 9, of the New Mexico Constitution is in full as follows: "No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this State, either as a teacher or student, and no teacher or student of such school or institution shall ever be required to attend or participate in any religious service whatsoever."

In Pennsylvania it has been held that a Sister of Charity, because

she was a Roman Catholic, could not be excluded as a teacher in the public schools; it was ruled that she could wear her habit while teaching. (*Hysong vs. Gallitzin School District*, 164 Pa., 629, 1894.) But she could give no sectarian instruction.

In some States, by statute, school directors may grant the temporary use of school houses, when not occupied for school purposes, for religious and such other meetings as the directors may deem proper. Such a statute was held constitutional in Illinois by Judge Sheldon in *Nichols vs. School Directors*, 93 Ill., 61 (1879), who said: "Religion and religious worship are not so placed under the ban of the Constitution that they may not be allowed to become the recipient of any incidental benefit whatever from the public bodies or authorities of the State."

Two Iowa opinions are worth scanning. In *Davis vs. Boget*, 50 Ia., 11 (1878), the electors of a district township, legally assembled, were allowed to authorize the use of the school houses of the district for religious purposes. Chief Justice Rothrock, long a member of the Supreme Court, and a great influence in the formative period of the legal history of his State, said (p. 15): "It is argued that the permanent use of a public school house for religious worship is indirectly compelling the taxpayer to pay taxes for the building or repairing of places of worship (in conflict with Art. I., sec. 3 of the Iowa Constitution). . . . We incline to think that the use of a public school building for Sabbath schools, religious meetings, debating clubs, temperance meetings and the like, and which, of necessity, must be occasional and temporary, is not so palpably a violation of the fundamental law as to justify the courts in interfering. . . . (He held that this was especially true in the case at bar, for provision was made to secure the taxpayers against damage to their property.) . . . We may further say that the use for the purposes named is but temporary, occasional and liable at any time to be denied by the district electors, and such occasional use does not convert the school house into a building for worship within the meaning of the Constitution. The same reasoning would make our halls of legislation places of worship, because in them each morning prayers are offered by chaplains." In *Moore vs. Monroe*, decided six years later (64 Ia., 367), Judge Adams held that the question was whether the building was "designed to be used distinctively as a place of worship." He accordingly held that a statute providing that the Bible should not be excluded from the public schools, and further providing that no child should be compelled to read it contrary to the wishes of his parent or guardian, was not in conflict with the basic law of the State.

TAXATION.

In some States where there was at the foundation of our Republic an established Church, of course taxes, in money or in kind (tobacco, as in Maryland), were assessed and collected for its support. We have seen how soon public opinion changed in this respect, so that Bryce in his "*American Commonwealth*" could declare that California must be the most irreligious of our States, because it taxed houses dedicated to religious worship. The recent death in December, 1914, of Archbishop Riordan, of San Francisco, recalls the fact that for years this noted prelate labored to remove that stigma from his Commonwealth. On November 6, 1900, his efforts were crowned with success when the electorate approved a constitutional amendment allowing this now usual exemption. The exemption is not always by reason of constitutional clauses, however, but by legislative enactment.

In *Griswold College vs. State*, 46 Iowa, 275 (1877), the Supreme Court, again speaking through Judge Rothrock (with one of the five Justices dissenting), said (p. 282) that it was urged that a statute exempting church property from taxation was in conflict with the Constitution. "The argument is that exemption from taxation of church property is the same thing as compelling contribution to churches to the extent of exemption. We think the constitutional prohibition extends only to the levying of tithes, taxes or other rates for church purposes, and that it does not include the exemption from taxation of such church property as the Legislature may think proper."

In Pennsylvania church property is assessed as for taxation, but the tax is not collected. A collateral inheritance tax applies to bequests for charitable or religious uses. In Rhode Island one acre of land held for religious purposes is exempt from taxation; in South Carolina the rectory and two acres is exempt. In many States, as in South Dakota, for example, all religious property is exempt.

RELIGIOUS CORPORATIONS.

By the West Virginia Constitution no special laws concerning property held for religious or charitable purposes can be passed. And no church or religious denomination can become incorporated. This seems particularly strange when we remember that the corporation laws rivaled those of Delaware and New Jersey a few years ago, and that State in consequence became the refuge for many "wild cats." Moreover, in that State a religious congregation can legally acquire and hold but a limited quantity only of real property by deed of conveyance for but three purposes—a place of worship, a place

of burial and a place of residence for its clergyman. And the property must be held by trustees named in the deed or by the proper court.

Few States are so strict. Some, as New York and New Jersey, go to the other extreme and permit corporations to be formed by the various churches in conformity with their canons under the State laws. Thus in New York there is a special method of forming a Catholic, a Presbyterian and other church corporations. Pennsylvania, by its Constitution of 1874, forbids special legislation of any kind. There is a strong sentiment, which may have its effect on the Legislature which meets in January, 1915, for its biennial session, for a new Constitution, because amendments to the present instrument can become law only after passing the Legislature twice consecutively, and then are subject to the approval of the voters of the State. The act of April 26, 1855, a relic of Know-nothingism, refused incorporation to religious bodies unless all property of the corporation was subject to the control of the lay members thereof. And by reason of recent decisions of the Supreme Court, mortgages cannot be placed on Catholic churches, even though unincorporated, without the consent of the congregation. However, the Legislature of 1913 passed an act (May 20, Pamphlet Laws, page 242) amending the act of 1855, so that the control and disposition of the property of any ecclesiastical corporation (other than plate collections and voluntary contributions for salaries of clergymen, teachers, organists and sextons) shall be exercised in accordance with and subject to the rules and regulations, usages, canons, discipline and requirements of the religious body to which such church belongs. And a further provision of the act of 1855, that no Bishop or other ecclesiastic could hold property otherwise than as an individual, was repealed. It was well known that the law was introduced for the benefit of Catholics in particular, and to their shame be it said that there was much open lobbying against the passage of the bill by representatives, clerical as well as lay, of other religious organizations, especially on the day when the bill was up for final reading in the House.

By Article XXXVIII. of the Maryland Constitution of 1867, still in force, even gifts, sales, devises or bequests for religious purposes are forbidden and made void, unless made with the prior or subsequent sanction of the Legislature. But I think the law is not always strictly enforced. The disposition of any land, not exceeding five acres, for a religious use, is valid if the land is improved, enjoyed or used for such purpose only.

In Missouri, by the "Bill of Rights," Art. II., sec. 8, Constitution of 1875 (still in force), "no religious corporation can be established

in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages and cemeteries." The Constitution of 1865 contained clauses similar to the Maryland one above quoted.¹⁶ We have already reverted to the constitutional clause providing that one shall be held to his contract made in furtherance of a religious purpose. And *Franta vs. Bohemian Roman Catholic Church Union* decides that one may be required as a member of a fraternal beneficial association to perform his duties as a Roman Catholic without violating the Constitution. This case was decided as late as 1901, and is reported in 164 Mo., 304, where, at p. 315, Valliant, J., said: "Under the Constitution and laws of this State a man cannot be coerced into observing the sacraments of any Church, and even if he should enter into a solemn contract to do so, he is free to break the contract, and for breaking it he cannot be deprived of any right he has independent of it. But if by the contract a special benefit is created for him, he cannot break the contract and have the benefit, too."

Frequently the rights under the law of incorporated religious associations are strictly construed, as in the case of *People vs. St. Franciscus Beneficial Society*, 24 Howard's New York Practice Reports, 216, where it was held that the by-laws of a membership corporation requiring the members to receive certain religious rites was in conflict with the Constitution then in force (Art. I., sec. 3). The case was decided in 1862, and Judge Marvin, of the Supreme Court, may have been influenced by the old Constitution of 1777 "to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind." The case could have been decided on the legal ground that the *articles of association* said nothing of the religious character of the members. Hence the *by-laws* were unconstitutional or beyond the power of the corporation to enact. And in discussing New York decisions we must always remember that the Supreme Court is a court of first instance, the Court of Appeals the tribunal of last resort; this case never reached the latter.

A word here about a most important subject—bequests for religious purposes. Where religious corporations as such are forbidden, wills draftsmen often attempt to give property to a cleric *nom-inatim*. In some States, as in Missouri, a bequest changed, for example, from "Francis Patrick Kenrick, Archbishop of St. Louis," to "Francis Patrick Kenrick," after the passage of a constitutional clause forbidding the former, was invalid, as a plain evasion of the constitutional provision, the intent of the bequest being in both cases

¹⁶ See *Barkley vs. Donnelly*, 112 Mo., 561 (1892).

to benefit the Catholic Church. (See *Kenrick vs. Cole*, 61 Mo., 572, 1876). The learned author of the article "West Virginia" in the Catholic Encyclopedia is my authority for the statement that such a case has not arisen in his jurisdiction, but that he is of opinion that if it does arise, such a bequest would also be deemed invalid. In Pennsylvania, where bequests for religious purposes must be made at least one calendar month prior to the testator's death, a proviso in the will that should the testator die within thirty days a bequest is to be given to the cleric *nominatim* is valid. This was decided in the famous case of *Flood vs. Ryan*, a subject of discussion in our legal periodicals less than a decade ago. The lower and upper courts agreed that the words "Archbishop of Philadelphia" were merely descriptive of and identifying "Patrick John Ryan." I heard the testimony of His Grace in the lower court and he frankly admitted, in response to shrewd cross-examination, that he would use the funds bequeathed for religious purposes. But the Court said that even if this was so, and they of course did not doubt it, the money was given to him absolutely, and non-compliance with the testator's wishes, expressed or implied (and precatory words do not in many cases create a trust in this State), would not affect the legatee's legal rights; the courts had no jurisdiction over his conscience.

In New Jersey and many other States bequests for Masses are valid either by statute or decision, less often by constitutional provision. (See *Kerrigan vs. Tabb*, 39 Atlantic Reporter, 701, 1898.) The contrary is true in the minority of States, particularly those outlined above.

In South Dakota charitable institutions which receive State support are under a State board.

An exceptional decision is found in *Lord vs. Hardie*, 82 North Carolina, 241 (1880), to the effect that articles dedicated to religious uses exclusively and necessary in public worship are not protected by law from seizure and sale under execution. It is more usual to find such articles exempt by statute.

Certain religious corporations, such as the Salvation Army, more or less publicly demonstrative, have tested laws considered to be specially aimed at them, though general in form. In Michigan an ordinance aimed at the Salvation Army was held unlawful because of unreasonableness. It is a fundamental condition of all liberty and necessary to civil society that all men must exercise their rights in harmony and must yield to such restrictions as are necessary to produce peace and good order, and it is not competent to make any exceptions for or against the so-called "Salvation Army" because of its theories regarding practical work. In law it has the same right and is subject to the same restrictions in its public demonstrations

as any secular body or society which uses similar means for drawing attention or creating interest; in *re Frazee*, 63 Mich., 396 (1886), per Campbell, C. J., yet (p. 405) religious liberty does not include the right to introduce and carry out every scheme or purpose which persons see fit to claim as part of their religious system. While there is no legal authority to constrain belief, no one can lawfully stretch his own liberty of action so as to interfere with his neighbors or violate peace and good order.

Contra are *Commonwealth vs. Plaisted*, 148 Mass., 375 (1889), wherein Morton, C. J., held that the constitutional guarantees do not prevent the adoption of reasonable regulations for the use of streets and public places, and a Salvation Army musician may be arrested and fined as an itinerant musician without a license, and this despite the fact that there was no actual disturbance or breach of the peace committed and that the acts complained of were done as religious worship only. And *State vs. White*, 64 New Hampshire, 48 (1886), which held that a statute prohibiting the beating of a drum did not infringe upon the constitutional rights allowed free religious worship. Pennsylvania would follow the latter case.

CRIMES AGAINST RELIGION.

We have seen in our general introduction that the State Constitutions, practically without exception, in now providing for freedom of religion will not allow such clauses to be so construed as to permit or excuse acts deemed licentious or contrary to the peace and safety of the State. Polygamy is expressly or impliedly forbidden, and, to mention but one well-known instance within the last few years, that strange Russian sect, the Doukhobors, who are accustomed to strip themselves of clothing when in so-called religious ecstasy, are in such case promptly imprisoned for public immorality.¹⁷

The Pennsylvania Constitution, written in 1873, contains a clause not then so common as it was some years prior to the war between the States, to this effect: "Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law" (Art. XII., sec. 3).

The offense of blasphemy is punished mainly because, Judge Cooley tells us, Christianity is imbedded in our basic law. The public conscience being regarded as Christian, profanity and blasphemy are properly punishable as offenses against public decency and the

¹⁷ See on the general subject of religious liberty, In *Re Walker*, 200 Ill., 566 (1900).

public peace. In Tennessee swearing is forbidden in any public place or in the hearing of any Justice of the Peace. Any person executing any public duty convicted of swearing is liable to forfeit his position and to be sentenced to pay a fine of \$1 for each oath.

Chapter IV. of the Penal Code of North Dakota elaborately enumerates crimes against religion and conscience and acts deemed to constitute disturbance of a religious meeting. Sec. 8580 of the same code makes a misdemeanor of any willful attempt, by means of threats or violence, to compel any person to adopt, practice or profess any particular form of religious belief, and sec. 8581 makes a misdemeanant of every person who willfully prevents, by threats or violence, another from performing any lawful act enjoined upon or recommended to such person by the religion which he professes. We have seen above the curious limitation upon the commencement of prosecutions for the violation of the chapter. Judge Amidon, of the Federal District Court, held in a case arising in this State that the constitutional guarantee of religious freedom cannot be made a shield for violations of criminal laws which are not designed to restrict religious worship, but to protect society against practices that are clearly immoral and corrupting. (*Knowles vs. United States*, 170 Federal Reporter, 409, 1909.)

In a Delaware case (*State vs. Chandler*, 2 Harris' Reports, 553), Chief Justice Clayton wrote in 1837 an elaborate opinion of historical interest, holding that a statute making blasphemy a crime was not unconstitutional; that the religion preferred by the people of Delaware was Christian. And that (p. 567 of the report) "the people have secured to them by their Constitution and laws the full and perfect right of conscience, the right to prefer any religion they think proper, and the corresponding and correlative right to protection in the exercise of this and all other religious principles.

"The distinction is a sound one between a religion preferred by law and a religion preferred by the people without the coercion of law, between a legal establishment which the present Constitution expressly forbids and a religious creed freely chosen by the people for themselves, and for the full and perfect enjoyment of which, without interruption or disturbance, they may claim the protection of law guaranteed to them by the Constitution itself."

A year later Chief Justice Shaw, of Massachusetts, made a similar ruling in the case of *Commonwealth vs. Kneeland*, 37 Mass., 206.

The leading case in this country is *People vs. Ruggles*, 8 Johnson's Reports, 291. In it, as early as 1811, the famous Chief Justice Kent, of New York, held that one who blasphemed the Saviour did not do so under the protection of the Constitution. "Though the Constitution," he wrote, "has discarded religious establishments,

it does not forbid judicial cognizance of those offenses against religion and morality which have no reference to any such establishment, or to any particular form of government, but are punishable because they strike at the root of moral obligation and weaken the security of the social ties. The object of the Constitution was to 'guard against spiritual oppression and intolerance' by declaring the free exercise of religion lawful to all mankind. *This declaration, noble and magnanimous as it is when duly understood, never meant to withdraw religion in general, and with it the best sanctions of moral and social obligation, from all consideration and notice of the law.* It will be fully satisfied by a free and universal toleration, without any of the tests, disabilities or discriminations incident to a religious establishment. To construe it as breaking down the common law barriers against licentious, wanton and impious attacks upon Christianity itself would be an enormous perversion of its meaning. The proviso guards the article from such dangerous latitude of construction. The preamble and this proviso are a species of commentary upon the meaning of this article, and they sufficiently show that the framers of this Constitution intended only to banish test oaths, disabilities and the burdens and sometimes the oppressions of church establishments, and to secure to the people of this State freedom from coercion and an equality of right on the subject of religion. This was no doubt the consummation of their wishes. It was all that reasonable minds could require, and it had long been a favorite object on both sides of the Atlantic with some of the most enlightened friends to the rights of mankind whose indignation had been roused by infringements of the liberty of conscience and whose zeal was inflamed in the pursuit of its enjoyment."

In the same State in 1888 Judge Rapallo decided in *Holland vs. Alcock*, 108 N. Y., 312, that those professing belief in the efficiency of prayers for the dead are entitled in law under the Constitution to protection in such religious observances.

In closing this section we must note that adherents of so-called new faiths, faith healers and the like, are not protected in their practices by the State Constitutions. In *People vs. Pierson*, 176 N. Y., 201 (1903), a statute was upheld which made it a misdemeanor for any person to omit willfully, without lawful excuse, to perform a duty imposed by law upon him (to refuse to furnish medical attendance to a minor). Justice Haight said: "The peace and safety of the State involves the protection of the lives and health of its children as well as obedience to its laws. Full and free enjoyment of religious profession and worship is guaranteed, but acts which are not worship are not. A person cannot, under the guise of religious belief, practice polygamy and still be protected from our

statutes constituting the crime of bigamy. He cannot, under the belief or profession of belief that he should be relieved from the care of children, be excused from punishment for slaying those who have been born to him."

SUNDAY LAWS.

Violations of statutes forbidding labor and the conduct of business enterprises on Sunday are no longer considered as crimes against religion. Hence we have given a separate heading to this section. Another reason for the separation is the many important decisions on this subject. Two members of the Canadian bar have written a book on the Sunday law of the Dominion alone.

It is true (see Cooley's work again) that originally the Christian Sabbath was set aside and protected from disturbance and profanation because Christianity was the bedrock of our institutions. But laws which prohibit ordinary employments on Sunday are to be defended not only on the same grounds which justify the punishment of profanity, but also as establishing sanitary regulations, based upon the demonstration of experience that one day's rest in seven is needful to recuperate the exhausted energies of mind and body. The latter view was early taken by the Pennsylvania courts in *Specht vs. Commonwealth*, 8 Pa., 312, followed in New York by *Neuendorff vs. Duryea*, 69 N. Y., 557 (1877), and *People vs. Haym*, 20 How. Pr., 76 (1860). In the last named case Judge Hoffman reviewed Colonial legislation on the subject, and in *Ex Parte Burke* (1881), 59 California, at p. 19, Chief Justice Morrison gives a history of the Sunday laws.

There are many California cases bearing on the topic, all of interest. The majority opinions in *Ex Parte Newman*, 9 Cal., 502, held that the State Constitution, when it forbids discrimination or preference in religion, does not mean merely to guarantee toleration, but religious liberty in its largest sense and a perfect equality without distinction between religious sects. The enforced observance of a day held sacred by one of these sects is a discrimination in favor of that sect and a violation of the **religious freedom** of the others (per Terry, C. J.). And Justice Burnett, in a concurring opinion, held that **our constitutional theory regards all religions, as such**, equally entitled to protection and equally unentitled to preference. When there is no ground or necessity upon which a principle can rest but a religious one, then the Constitution steps in and says that it shall not be enforced by authority of law. The Sunday law violates this principle of the Constitution because it establishes a compulsory religious observance. It violates as much the religious freedom of the Christian as of the Jew. The principle is the same, whether the act

compels us to do what we wish to do or what we wish not to do. When the citizen is sought to be compelled by the Legislature to do any affirmative religious act or to refrain from doing anything because it violates simply a religious principle or observance, the act is unconstitutional. The dissenting opinion by Judge Field, afterwards on the Supreme Court of the United States, held that the act established, as a **civil regulation, a day of rest from secular pursuits**, and that is its only scope and purpose. It treats of business matters, not religious duties. In limiting its command to secular pursuits, it necessarily leaves religious profession and worship free.

I need not here remind the reader of the early history of California and of the private lives of Terry and Field. Suffice it to say that Terry, and Burnett also, left the bench between 1858 and 1861. In the latter year was decided the case of *Ex Parte Andrews*, 18 Cal., 679, wherein Judge Field's former dissenting opinion was upheld by his colleague, Judge Baldwin, who overruled the earlier case and held that the Constitution of his State prohibits all legislation which **invidiously discriminates in favor of or against any religious system**, but does not prohibit legislation upon subjects connected with religion, nor does it make void legislation the effect of which is to promote religion or even advance the interests of a sect or class of religionists. On the contrary, the interests and even the rights of sects have been oftentimes protected by law, as by acts of incorporation of churches, exemption from taxation in some States, protection of meetings from interruption and the like acts. While the primary action of legislation which respects secular affairs is not the promotion of religion, yet it can be no objection to laws that while they are immediately aimed at secular interests they promote piety.

The burning question was again at issue in the Golden State in 1882, and the arguments of counsel, reported in *Ex Parte Koser*, 60 Cal., 177, are interesting to those who desire to pursue the subject further. There were several opinions, one dissenting; we may close the discussion of this branch of our section by some extracts from the concurring opinion of Judge McKee, at page 197 of the report: "By virtue of her sovereignty, the State has guaranteed freedom of religious opinion and worship to all religious bodies and people within her boundaries. But in granting those guarantees, she did not relinquish to religious bodies nor divest herself of the power to establish a day of rest as a municipal institution for the people of the State. . . . It is conceded that the power exists and is exercisable, subject to the guarantees of the Constitution. It is only claimed that these guarantees have been invaded because the legislation in question infringes upon the religious liberties of the Hebrews and the Seventh Day Adventists, and it may be other religious citi-

zens, by making it compulsory upon them to observe a day which they are, by the authority of their churches and their consciences, forbidden to keep holy. In such views men simply deceive themselves by words, for the State has not set apart *Sunday* for a day of rest for a *religious* institution; nor does she impose observance of the day upon churches or on church members, nor are religious commemorations or ceremonies prescribed or enforced. The duty of observing the day is imposed on the people of the State as members of the body politic without reference to the **religious faith and worship** of any.

"And as a day of rest, Sunday is not set apart as a holy day, but it is set apart as a legal holiday . . . and the people generally, without reference to faith or creeds, have continued to observe it as such, unconscious that as a municipal institution it has ever invaded or violated any of their constitutional or religious rights.

"But it is urged that the heading of the chapter of the Penal Code (see Kerr's Penal Code, p. 352) in which the law is contained demonstrates the unconstitutionality of the law, because the acts which are prohibited on Sunday are made offenses against religion, conscience and morals, and therefore the law discriminates in favor of the Christian religion against other religions. . . . "

The jurist then pointed out that as the Christian religion was the prevailing religious opinion of the people, public morals were largely dependent upon it. And continued: "The mere fact, then, that the mode of observing the day is enforced by the prohibition of acts which are offensive to public morals according to the standard of Christianity, affords us no ground for constitutional objection to the law itself, if it does not violate the religious rights of others who do not call themselves Christians. But neither the religious profession and worship of the Jews, or of the Seventh Day Adventists, or of any other religious association, are abridged by the law."

In the last section we called attention to the New York case of *People vs. Ruggles*. It is referred to in an historical sketch by Judge Allen in *Lindenmuller vs. People*, a decision holding constitutional a law prohibiting theatrical entertainments on Sunday. He said: "This decision gives a practical construction to the 'toleration' clause in the State Constitution and limits its effect to a prohibition of a church establishment by the State and of all 'discrimination or preference' among the several sects and denominations in the 'free exercise and enjoyment of religious profession and worship.' It does not, as interpreted by this decision, prohibit the courts or the Legislature from regarding the Christian religion as the religion of the people, as distinguished from the false religions of the world. This judicial interpretation has received the sanction of the constitutional convention of 1821, and of the people of the State in the ratification

of that Constitution, and again in adopting the Constitution of 1846.

"It was conceded in the convention of 1821 that the Court in *People vs. Ruggles* did decide that the Christian religion was the law of the land, in the sense that it was preferred over all other religions and entitled to the recognition and protection of the temporal courts by the common law of the State; and the decision was commented on with severity by those who regarded it as a violation of the freedom of conscience and equality among religionists secured by the Constitution. Mr. Root proposed an amendment to obviate that decision, alleged by him to be against the letter and spirit of the Constitution, to the effect that the judiciary should not declare any particular religion to be the law of the land. The decision was vindicated as a just exponent of the Constitution and the relation of the Christian religion to the State, and the amendment was opposed . . . and rejected by a large majority and the former provision retained, with the judicial construction in *People vs. Ruggles* fully recognized." (33 Barb., 548, 1861.)

Sunday laws are generally now regarded as properly passed under the police power of the States (*Silverberg vs. Douglass*, 62 N. Y. Miscellaneous Reports, 340, 1909). Indiana cases are *Voglesong vs. State*, 9 Ind., 112 (1857), and *Schlict vs. State*, 31 Ind., 246 (1869). The general rule obtains in Louisiana (*State vs. Judge*, 39 La. Annual Reports, 132, 1887, and *Minden vs. Silverstein*, 36 La. Ann., 912, 1884), and in Massachusetts (*Commonwealth vs. Has*, 122 Mass., 40, 1877).

Despite the above decisions and that of *State vs. Bott*, 31 La. Ann., 663 (1879), later cases showing the trend of judicial opinion, the highest court of Louisiana could hold—and it has never been reversed—in *Shreveport vs. Levy*, 26 La. Ann., 671 (1874), that a city ordinance which provided for Sunday closing, but further provided that it should not apply to any person or persons doing business in the city who close up their places of business on Saturdays and keep them closed during the whole day, was unconstitutional: Judge Morgan, who wrote the unanimous opinion of the court, said that Jews and Gentiles must be treated alike. In Rhode Island statutory exceptions are made in favor of Jews and Sabbatarians; the Sunday law of this State follows the old English statute of Charles II. (chap. VII., par. 1), which simply forbids the exercise of one's ordinary occupation on Sunday.

The severity of the old Blue Laws of Connecticut and Pennsylvania are too well known to bear recital here. In many places the fine imposed on those transacting harmless businesses on Sunday, such as selling ice cream, newspapers, cigars, etc., is regarded by

the defendants and the police judges alike as a sort of license for conducting the enterprises.

As late as 1912 in Missouri a law compelling a railroad to "run at least one regular passenger train each way every day" over all its lines was held to include and make obligatory the running of such trains on Sunday, but because of **that inclusion** it did not violate the "freedom of religion" clauses in the State Constitution. (See *State vs. C., B. & Q. R. R.*, 239 Mo., 196.)

States wherein the English statute is the basis of the legislative enactment or of the common law are frequently driven to such decisions as the North Carolina courts have made. In *Melvin vs. Easley*, 52 N. C., 356 (1860), selling a horse on Sunday was held not to violate the statute if buying horses is not plaintiff's ordinary occupation. A statute which attempts to prohibit, because done on Sunday, labor which is done in private and which does not offend public decency or disturb the religious devotions of others, is void. And no act can be forbidden or required by statute because such act may be in accordance with or against the religious views of any one. If, therefore, the cessation of labor or the prohibition or performance of any act were provided by statute for religious reasons, the statute could not be maintained (see *Rodman vs. Robinson*, 134 N. C., 503, 1904, holding valid a contract to convey land entered into on a Sunday).

In Tennessee exceptions are made of acts of real charity or necessity done on Sunday. And the mere violation of Sunday laws is not indictable; the succession of public acts is, as a nuisance. In Texas the statute is broad; on Sunday is prohibited labor or compelling labor, disturbing public worship, hunting within a half mile of a church or school house and all sales of goods. Vermont prohibits on Sunday the resorting to any ball or dance, or any game, sport or house of entertainment or amusement. Sunday baseball games are generally prohibited by judicial decision, if not by statute, in our Eastern States. In the Middle West and Western States we find saloons and theatres in full blast on Sunday, although Washington is an exception, **allowing only hotels, drug stores, livery stables and undertakers' establishments to remain open on the first day of the week.**

IS CHRISTIANITY THE LAW OF THE LAND?

Chief Justice Clark said in *Rodman vs. Robinson*, referred to above, that it is incorrect to say that Christianity is a part of the common law of the land, however it may be in England;¹⁸ but he may have been influenced by the biased trend of the North Carolina

¹⁸ See Erskine's speech for the prosecution of Williams for blasphemy in publishing Payne's "Age of Reason."

Constitutions. And Justice Thurman, of a family long influential in the councils of the State, held in *Bloom vs. Richards*, 2 Ohio State Reports, 387 (1853), that neither Christianity nor any other system of religion was a part of the law of that State.

Walter George Smith, Esq., author of the article "Pennsylvania" in the *Catholic Encyclopedia*, tells us that Christianity is part of the common law of the Keystone State—not Christianity founded on particular tenets, but Christianity with liberty of conscience. And the prevailing view is set forth by the Supreme Court of the United States in the case of *Holy Trinity Church vs. United States*, 143 U. S., 457. Speaking for that high tribunal in the last quarter of the nineteenth century, Mr. Justice Brewer, showing "from the first voyage of Columbus to the present hour that this is a religious people," says: "There is a single voice making this affirmation. The commission to Christopher Columbus, prior to his sail westward, is from Ferdinand and Isabella, 'by the grace of God, King and Queen of Castile,' etc., and recites that 'it is hoped that by God's assistance some of the continents and islands in the ocean will be discovered,' etc. The Declaration of Independence recognizes the presence of the Divine Ruler of human affairs. . . . Every Constitution of every one of the (then) forty-four States contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence on human affairs is essential for the well-being of the community. . . . If we pass beyond these matters to view American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing concluding with an appeal to the Almighty; the custom of opening sessions of all deliberate bodies and most conventions with prayer; the prefatory words of all wills, 'In the name of God, Amen;' the laws respecting the observance of the Sabbath, with a general cessation of all secular business, and the closing of courts, Legislatures and other similar public assemblies on that day; churches and church organizations which abound in every city, town and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe—these and many other matters which might be noticed add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation,"¹⁹

¹⁹ See two other Supreme Court of the United States cases: *Marshall vs. B. & O. R. R.*, 16 Howard's Reports, 314, and *Windsor vs. McVeigh*, 93 U. S., 274, as well as *Oakley vs. Davies*, 58 Texas, 141. The warnings of Washington's Farewell Address have not fallen on deaf ears.

SUMMARY.

1. Under the Federal Constitution (a) Congress has no power to establish a religion; (b) the various States have such power, but it would now be necessary to alter their Constitutions. These alterations would have to be approved by the people.

2. Civil courts have no ecclesiastical jurisdiction and never interfere in matters of church polity, except to preserve civil rights, usually in regard to property.

3. Ecclesiastical bodies are entitled to protection from the civil authorities, and the disturbance of religious meetings is a misdemeanor under the civil law.

4. Compulsory support of and compulsory attendance upon religious instruction is illegal.

5. Restraints upon the free exercise of religion and the free expression of religious belief are illegal, unless such exercise or expression leads to practices deemed immoral or dangerous to the peace and safety of the State.

6. There are now no religious tests for citizenship nor for office-holding, save in North Carolina, where all office-holders must believe in the existence of a Supreme Being, and in Maryland, where no clergyman, in active performance of the duties of his calling, is eligible to either house of the Legislature.

7. Clergymen are exempt from military service, and frequently from jury duty.

8. Witnesses, except perhaps in Maryland, need no longer believe in the existence of a Supreme Being and of a future state of rewards and punishments; nor are they to be cross-examined as to their religious belief or the absence of it.

9. Bible-reading in the public schools (all States but five having compulsory education) is regarded as sectarian and unconstitutional in some States; where it is allowed, either the Bible is usually read without comment or children are excused from attendance thereon at the request of parents or guardians.

10. Public schools may, with the approval of the electorate, be used out of school hours for religious meetings; the privilege is statutory where existent.

11. Church property, within limitations as to use and amount, is exempted from taxation.

12. Religious corporations may be formed in most States, and bequests for religious purposes are usually valid.

13. Blasphemy and profanity are crimes, either at common law or by statute.

14. Laws forbidding secular work on Sunday are constitutional under the police power of the State.

15. Christianity is the law of the land.

The term civil and common law are used above in the popular sense, as the law of the State distinguished from ecclesiastical law, canon law, the law of the Church.

We have not attempted to even note all laws affecting religious beliefs and practices, (for example, the marriage laws of the State have not been considered at all,²⁰), but only to consider briefly provisions in our various State Constitutions as affecting religious toleration. However lengthy the foregoing may appear, it is more or less general in scope and undetailed. In particular instances and for exact requirements care should be taken to consult the latest and best authority in the individual State on the question involved. Many changes are constantly **being made** in the body and construction of our laws, for legislative assemblies (following the lead of Massachusetts) often meet in annual session; where they convene biennially, as in Pennsylvania, this takes place not infrequently in the odd-numbered years. And of the printed decisions of courts of justice, appellate, intermediate and of original jurisdiction, there is no end. Eternal vigilance is the price of civil religious liberty.²¹

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²⁰ See the "Ecclesiastical Review Year Book" for 1910 (pp. 180 to 211) for a collection of State matrimonial laws of service whenever information is sought regarding the class and condition of parties to a marriage, the prohibited degrees of kindred, the marriage license and the duties of the solemnizing clergyman.

²¹ The recent prohibition amendment to the Arizona Constitution (1914) would seem to make the use of wine in the Holy Sacrifice of the Mass illegal under the civil law of that State. Hobson's proposed amendment to the Federal Constitution (which failed of passage in the House, December, 1914) exempted from its provisions traffic in liquor used for "sacramental" and certain other purposes. See "America," Vol. XII, No. 12, p. 293, January 2, 1915.

ISLAM'S WANING CRESCENT.

IT WAS not in the nature of the Turks, having regard to the history of their action in the past, to allow the present opportunity for a daring stroke to pass by without a move to retrieve all they had lost as the result of the recent war with the Balkan States. Practically this result pushed the Ottoman power, gained step by step by a persistent policy of aggression and oppression of small nationalities, almost completely out of Europe. Only Adrianople and a small strip of territory contiguous to the fortified city, and the European part of the Turkish capital on the Bosphorus, remained to tell of the former greatness of the Moslem power on the European continent. Before this writing can appear in print, so rapidly are map-altering events transpiring on three continents now, the design of Mr. Gladstone in calling for a war of punishment for the Turk—to “drive him, bag and baggage, out of Europe,” because of her atrocious behavior in Bulgaria and the Danubian principalities, shall have been actually accomplished.

Eight months ago the political soothsayer who would have ventured to prophesy that Constantinople would be in possession of the Czar's armies ere the year 1915 was ended would have been laughed at as a joker or a lunatic. The fact that Turkey had been beaten by Bulgaria, Greece and Servia—petty Balkan principalities only yesterday, so to speak—made the possibility of her gaining her feet for a considerable span of time, so as to resume her habitual fighting trim, was a contingency that no one could deem likely. But, as Disraeli, who knew his Europe well, used to say, as regards political possibilities, it is the unexpected that is always happening. Bearing in mind the significance of the fact that it was England which got up the war against Russia, who went to war against Turkey in 1854, because of the massacres and outrages perpetrated on the Christian inhabitants of the Lebanon and Asiatic Turkey, it is almost stupefying to find her statesmen now consenting to allow the same power, Russia, to take the Turk in hand and give him what he undoubtedly deserves—ejection from “Dame Europa's school.” But it really seems to be the case. The apocryphal “will of Peter the Great,” or his oral behest to his successors not to cease their southward course until their arms should have cleared a way to the Mediterranean and planted the Russian eagle above the Seven Towers Castle on the Bosphorus, is seemingly on the verge of actual realization. In the House of Lords only a few weeks ago it was given out on the part of the British Government that no opposition would be offered with regard to the course of Russia

(now one of England's allies, *mirabile dictu!*) in regard to Turkey and the Dardanelles. And ever since this portentous announcement was put before an astonished world, the ships of England and France had been hurling enormous shells at the strong fortifications on the straits and pulverizing them into heaps of rubbish—those fortifications which British money had helped to erect! But we must not be overastonished at this apparent fickleness in the currents of history. Mutation is the first principle of everything that emanates from the mind and hand of man. It is only the things that are of God that last unchanged and undiminished by the efflux of time.

When did the fabric of the Turkish Empire have its beginning, and where? Were we to regard that Empire and the Mahometan religion as synonymous—as some people seem to think they are, because the Sultan of Turkey is usually referred to as the Father of the Faithful—we should say that it began on the day when Stileiman, the son of Orchan and grandson of Osman (or Othman, the Bonebreaker), beheld the crescent moon rising above the lovely banks of the Bosphorus at the Propontis, and shedding a lovely mellow light upon the sparkling waters and the towers and temples and minarets of the city of Byzantium. The crescent was the emblem of the race to which he belonged, and so, beholding the slender bow shining resplendently thus through the branches of the cypress trees, Suleiman accepted it as a sign that his fate beckoned him on to the conquest of that great empire city lying on the European shore and founding an empire there. The star that is seen within the semi-circle is the emblem of hope; and the two symbols, on a green ground, compose Mahomet's banner, which is preserved in its war-torn shreds to this day in the Imperial Treasury at Constantinople.

The tribe to which Othman belonged was one of those called the Seljuk group, and was known as the Turkoman. It inhabited the Mid-Asian region now known as the Emirdom of Bokhara. The first of the tribe to make a name in history was the father of Othman, or Osman, the Bonebreaker, and his name is variously given as Ertogul or Ortugrul. He was a lineal descendant of the Turanian Emperor who founded the Seljukian race, the most formidable warriors on the Asiatic continent for many centuries. The fact that the founder of the house was surnamed the Bonebreaker would lead one to infer that he was a gigantic warrior whose favorite weapon was the mace.

He was a grandson of the great Emperor Seljuk, the ruler of all the Turkomans who inhabited the vast region in Central Asia known as Bokhara. Ortogrul (or, as some authorities spell the name, Ertoghral) migrated with a following of 400 followers to

the province of Khorassan, in Persia, immortalized by Thomas Moore in his unique effort of imagination, the poem called "Lalla Rookh." He became Emir, and in time pushed on his authority to the Black Sea. The sword of Othman is the badge of authority of the Ottoman Empire to-day, the identical weapon with which the soldier Sultan conquered the greater part of Turkey in Europe as it was before the war with Greece and the allied Balkan States. With this talismanic weapon every successive ruler of the Turks is formally invested on his accession to the throne. The spiritual head of the Moslem Church (Shiekh-ul-Islam, as he is called) formally invests the new Sultan, buckling it on his waist and reciting a prayer from the Koran as he performs the significant ceremony. Significant is it truly, for never was warrior accoutred for fight who carried the sword of destiny to greater purpose than the Seljukian Turkoman chiefs whose descendants rule to-day. The sword is not the only emblem left by the great Othman. His capacious war-drum, that so often rallied his enthusiastic legionaries to "the imminent deadly breach" or to the escalade of the leaguered wall, is to be seen suspended over the tomb in the Monastery of the Drum (Daoul Monastir), wherein the Sultan Orchan lies interred. The drum was presented to the Sultan Othman by Alladin, Sultan of Iconium, in Greece. The Turks regard this drum with much veneration, as the Hussites did another drum that has a gruesome tradition attached to it. It is believed that the skin of John Huss, the famous Bohemian heresiarch, furnishes its parchment which summoned his followers to battle, in the sixteenth century. Roman history recalls the fate of the Emperor Valerian, who led an army into Persia to dethrone the High King, Sapor. The Emperor failed to do this, and was taken prisoner by the Persians. They flayed him alive, and his skin was preserved in a museum in Ispahan, it has been asserted by some chroniclers, for many centuries after his death.

From the very beginning of the Ottoman power the full significance of the symbol, the Sword of Othman, began to be demonstrated. The edge of that sword signified the method of rule that the Empire meant to adopt and practice as a policy. To follow implicitly the command of Mahomet that those who would not accept him as Allah's only Prophet were to be slain by the scimitar had been the rule of the wandering Turkomans; but when they settled down in cities and towns and began to live orderly lives like the peoples among whom they sought to propagate his creed, they found it necessary to modify the programme in order to get along at all. Hence the resort to the compacts called "capitulations" which took place at a later period when the Moslem and the Fer-

inghee came into close contact. In 1854 the Emperor Nicholas I. of Russia declared war on Turkey because of the many massacres perpetrated by the regular and irregular armies of Turkey. The British Government, as we said, interposed on behalf of the Turks, and in this it was joined not only by the Government of France, under the Empire of Napoleon III., but also by the minor kingdoms of Sardinia and Piedmont. The allied forces, joined with the Turks, moved by land and water into the Crimea, on the Black Sea, and took up positions before the great fortified city of Sebastopol. This appearance of the Sardinian and Piedmontese forces in the field as allies of the British, French and Turks, was the first sign of the recovery of these little States from the blow inflicted on their ambitions by Austria in the disastrous overthrow of Charles Albert's army on the field of Novara in 1849. To be recognized by such great powers as Britain and France was an opportunity not to be overlooked by aspirants for no less a prize than the crown of a United Italy. The war lasted for nigh two years. The Russian armies fought bravely, and the defense of the city, conducted by General Todleben, was obstinate, masterly and gallant to the very last. Once the outlying forts—the Malakoff, the Mamelon and the Redan—were overpowered there was no possibility of the walls being further defended; hence the Russians had no recourse but to fire the city and retreat across the only remaining bridge to the mainland. This they did in perfect order. Then the allies poured in as the last troops got away, and the conflagration lighted them on their way, beaten men, but not disgraced ones. In a sense, the scene was a repetition of the story of Moscow. Though the allies triumphed in this war, the spectacle of Christian nations allying themselves to support the immitigable Moslem in his policy of massacre of Christians was one that made humanity (or at least the better portion of it) blush for shame.

It seems hard to impute to any system of government which is recognized by civilized governments generally the odium of making sanguinary battues a portion of its organic system of rule. But hard as it appears to outsiders, those people who have to deal with history and point out its lessons have to face the task, if they would make their work available for either the veracious chroniclers of the future or the philosopher who uses the chronicle for the beneficial application of its truth to existing wrongs among nations as well as classes or individuals. The Government of Russia has not yet become sufficiently great or magnanimous to preclude the practice of massacre from the recourses open to the State at periods of tense social disturbance. There are always irregular troops

called Cossacks who can be relied on to obey orders, no matter how brutal and inhuman, for the repression of the disorders caused by discontent or springing from the feeling of religious animosity. In the Russian Church this animosity is chronic and perennial, so to speak. That Church is the offshoot of the Greek one, and it is needless to point out to students of history how terribly bitter were the polemics and the sanguinary conflicts which often attended such conflicts in Byzantium, Antioch and other Grecian cities, in the early ages of the inchoate Church. The fights between the Greens and Blues often made the hippodrome's arena as red as when it was Christian gore from the veins of mangled martyrs, torn piecemeal by the lords of the desert and the jungle, that incarnadined those sands. But there was a peculiar atrocity about the Mussulman system of political massacre which was absent from the Muscovite custom of "pogrom," as organized butchery and knouting is called. From the very beginning of the Mahometan propaganda, in the time of Sultan Orchan, the fanatical disciples of the Prophet made it a rule to take hostages in the shape of young male children from the tribes and peoples whom they lured or coerced into submission to their sensuous creed, and bring them up in hatred of their parents and their fellow-countryfolk. These perverses they called Janissaries. They made of them very fierce soldiers. In process of time they became dangerous, like the old Prætorian Guards in Rome, to the persons whom they served. Then the idea occurred to the Sultan of the time, Mahmoud II., that the only effectual way to get rid of the trouble was to extirpate it, root and branch. With this Sultan to think was to act. He had been defied by the leaders of the Janissaries because he found it necessary to inaugurate liberal reforms in Byzantium and other regions where the Moslem power had been established. He sent the Grand Vizier against them; they compelled him and his force to take refuge in a large building; this they attacked, and he and his soldiers perished when it was set on fire. Mahmoud saw it was a question practically whether the Sultan or the Janissaries should rule the State. He decided then that the latter should go. He issued a decree ordering them to disband, and they replied to the command by rushing to arms all over the country. Then he called for an army to enforce his will, and in one day forty thousand of them perished by the sword and the javelin.

The Russian Empire had its trouble with similar military autocrats at the head. These troops were called Strelitzes. They were the dictators at the court and in every important post in the Empire, until Peter the Great took matters into his hands. He dealt with

the arrogance of the Strelitzes precisely as Mahmoud did. Later on, at the beginning of the nineteenth century, Mehemet Ali had similar trouble with the cavalry troops called Mamelukes; and he had to fall back upon the precedent set by Mahmoud to overcome it. The massacre of the Mamelukes in Egypt was one of the bloodiest that ever took place in modern history.

In the two cases the job undertaken by the Sultan Mahmoud in Turkey and in Egypt by the Viceroy of that kingdom, Mehemet Ali, was marked by a wonderful identity, both as to origin, method of punitive procedure and a relentless determination to make it a monument of such vengeance as to leave its memory such a shuddering horror that no one in the army would ever again dare to rouse the ire of the Sultan of Turkey or the ruler of Egypt. The tide of slaughter did not for a moment cease as long as there was one Mameluke alive or one Janissary above ground. Even the graves where their remains rested were in time mutilated and defaced by secret orders of the government, none daring to ask for any redress or punishment of the desecrators. In both cases it was a fight to the death, for both Mamelukes and Janissaries had murdered Sultans who tried to introduce reforms into the public service. They murdered Sultan Selim. They went so far as to depose the Sultan Mustapha the Fourth, and to assassinate his brother Mahmoud, in 1807. But in 1811 Mehemet Ali got the upper hand of the formidable dictators of the Turkish Empire, and he put an end to such a system as theirs for ever. No organized *imperium in imperio* has since been able to find a firm footing in the military system of the Moslems.

Abdul Medjid, who died in 1861, is deserving of a special place in the annals of the Ottoman Empire. He was not the first of the great reforming members of the House of Othman, but he was the greatest. He had been called to the throne when he was a mere boy on the death of his father, Mahmoud II. Mahmoud had got in the thin end of the wedge about the possibility of introducing reforms into so hidebound a structure as that of Islam. That system is essentially a theocracy, embracing a patriarchal supremacy, as in the much more antique Jewish one. It claimed a similar title—that of a Divine sanction and a command to propagate the message which it pretended was entrusted to bear to mankind by the lips of its only Prophet, Mahomet, and to use force toward those who rejected his claim, as far as they found themselves in a position to resort to the alternative. The liberty which the Prophet granted as to marriage and concubinage added immensely to the difficulties of insuring legitimacy in the succession and the consequent per-

plexities of the patriarchal dignity. Yet at the same time it greatly enhanced the popularity of the new creed, and was one of the chief reasons why the cult spread like wildfire over the territories where it was first introduced.

It seems a monstrous thing for any ruler to turn upon men who had supported his throne and served him faithfully in many things and have them butchered like dogs at one fell swoop. Yet there was no other possible way to overcome the difficulty which the contumacy of these insolent servants had created for the ruler, in either case. Their sins might not have been so great had they been left alone and their pride and their cupidity not been appealed to by artful intriguers from outside, the secret enemies who beheld with dismay the spread of the Turkish power, East, West and South. The spread of that power meant two things that the European Powers could not contemplate with indifference. It meant, in the first place, the introduction of this policy of massacre in places where orderly government had existed for some centuries previously; and in the second, it meant the substitution of the Mahometan theocracy for the principles of Christianity. Under the able and ambitious leadership of Mehemet Ali, Ibrahim Pasha and Sulieman Pasha (a Frenchman), the Egyptian armies defeated sixty thousand troops of the Sultan at Koniah, and were marching on Constantinople when the Great Powers sent a fleet and an army into the Mediterranean and the Holy Land. The army laid waste the fair province of Syria and compelled the forces of Ibrahim finally to abandon the Holy Land and fall back upon its Egyptian base, baffled and frustrated completely in his daringly ambitious enterprise. At the same time the allied Powers insisted upon the reformation of the system of government within the Christian territories under the sway of Turkey in Europe—those now known as the Balkan States, which have won back their original independent autonomy, each a separate kingdom strong enough in some cases to grapple with their ancient oppressor single-handed. Their emancipation from the yoke of Turkey was effected, in a large measure, with the help of a Power not much preferable as a taskmaster to Turkey—the power of the Autocracy of the North, the house of Romanoff, the natural enemy of the Turk. A power whose despotic sway is buttressed by the spiritual force of a schismatic Church is hardly less obnoxious to the interests of religion and civilization than the one in which religion and civilization are combined in the edge of the scimitar and the pages of the Koran.

The first touch with the power of Russia which came to the new empire-builders was when Suleiman (or Solymanus), surnamed the

Magnificent, made a Russian slave named Roxolana his wife and "Khorum Sultana." By this act he legitimatized her and a son she had born to her before she had met Suleiman, whose name was Mustapha. Her influence over Suleiman was as great as that of Madame de Pompadour over Louis, the Bourbon martyr. Mustapha was also the name of an heir to the throne, son of Suleiman by a former wife. Roxolana was his stepmother, and she never ceased to puzzle her brain—a very bold and wicked one it was—until she had influenced the aged Suleiman to consent to the death of his legitimate heir and the degradation (as the Turks viewed it) of the imperial house of Othman by admitting stranger blood to the legitimate line of the Conqueror. Roxolana claimed to be of French origin, but the verdict of history gave Russia the doubtful glory of the just claim to be her natal country. The contact with the race of Rurik, thus begun in the latter part of the sixteenth century, was the beginning of a sinister connection whose end may yet be coincident with the passing of the star of Islam. But whether the cause of the world's betterment might be promoted by the substitution of the star of Muscovy is one of those problematical speculations which may not be rashly decided until the field is clearer for the formation of a sound judgment.

From the time of Charles Martel the French had been the protectors of the Church and civilization against the inroads of Mahometanism. Those Saracen hordes who tried to overrun Europe were the advance agents for the spread of the doctrines of the camel-driver. Charles smote them in a three days' battle on the broad vine-clad plains of Chalons, as St. Louis smote them, centuries later, in the Holy Land. From the great part the French monarchy and nobility had played in the protection of the holy places, the French nation had begun to be recognized as the chosen protector of Jerusalem and the sacred places of Asia Minor. The French ambassadors found it much easier to gain audiences at the Ottoman court than those of any other nation, and it was the influence of French address and polished manners that brought the great Sultans in time to see that it was no use trying to rule only with the edge of the scimitar: there was a better way—the system of give and take, where people of different races and different creeds were compelled by fortuitous circumstances to live side by side as one community. Hence came about the famous "capitulations"—concessions by the Sultans to the Christians in freedom of worship, freedom of education, recognition of civil rights, freedom of commerce, right to own property, equality before the law, and such other conditions of polity as were essential to a state

of peace and stability of the government. The Sultan who captured Constantinople was obliged, by the cosmopolitan character of the city's population, to have a sort of Bill of Rights drawn up by which the heads of the Roman and Greek Churches were respectively secured and their temporalities protected. Later on, capitulations were made with the representatives of other powers besides France—the United States, for instance, which secured a permanent agreement for the establishment of the Robert College, on the shores of the Dardanelles. These "capitulations" were in effect and *modus operandi* similar to the instruments known in European States as Concordats. They were surrenders of some advantage by the ruling power to the Church, or Churches, in return for the contribution to the peace and welfare of the State which the Church, by its great influence and suasive power over the population, was in a position to guarantee to the State. When Rustem Bey, the Polish recusant who represented the Turkish Government at Washington a short time ago, gave notice that the Porte was about to renounce the "capitulations" granted to the Christian powers, he was hardly credited, because it was held that Turkey was only the party of the one part, in the case, and that the consent of the other party was an essential condition to a dissolution of the compact. But, inasmuch as German influence is uppermost in all things in Turkey just now, the protests of the party of the second part were completely ignored and treated as mere "scraps of paper." Seeing that the principal Powers of Eusope were all engaged in hostilities against each other, the wily Turk, who had long subsisted on the fact of their international animosities, found the opportunity for which he had been for a long time on the watch. He lost no time in hastening to avail himself of the Bismarckian and Carlylean ethical maxim, "La force prime le droit."

Of course, "capitulations" cannot apply except according to the laws of geography and topography, the density of population or its sparseness. What was practicable in the capital, in Beyrout and Smyrna, is utterly unthought of and inapplicable on the border lines of Armenia, Turkestan, Persia, Macedonia and several other geographical divisions of the orbis terrarum wherein racial acerbities take usually a fine razor edge. Whenever the laws of the political game require a reversion to the primal principle of the camel-driver's religion, for the solution of some baffling Gordian knot, the descendants of the Bonebreaker remember the meaning of the ceremony of investiture of the sword of Othman. Not all Moslems are committed to the doctrine of the scimitar as the instrument for the propagation of the Prophet's religion. The orthodox, or true be-

lievers, as they style themselves, are those who follow the teachings of the Koran as expounded by two Imams named Azam and Safi. They are called Sunnites. The Persians, who abide by the rendering of the sacred book by Ali, son-in-law of the Prophet, Mehzebis or Kiaffirs—that is heretics and unbelievers. The Turks, and more particularly those who claim the blood of Othman, steadfastly clung to the rule of force for the propagation of religion according to the creed of the Prophet. His last wish, as he lay dying, was conveyed to his trusted military chiefs, assembled outside his harem, by his favorite daughter, Fatima, as she handed to the leader the Prophet's green flag, in the words: "This in Mahomet's last wish. Take this standard and march forward." The uplifted standard was always the signal for battle to begin. The Moslems' sabbath, or rest day, is Friday. This day was selected for that purpose by Sultan Osman, or Othman, the first ruler of the dynasty. The Old Testament is acknowledged by the Moslems as authentic and true. Christ also is recognized by them, but only as a Prophet sent by God, but the incidents of his Atonement and Resurrection are rejected. The Moslem law condemned to death all apostates to the faith of the Prophet, once they had accepted that faith. On the accession of Abdul Medjid, in 1851, he was advised to issue a new charter of civil and religious freedom—a "hatti cherif" it was called: that is, "an illustrious writing." It substituted a beating five times a day for the death penalty in the cases of apostates who belong to the female sex—which sex, by the way, according to the Moslem belief, do not possess souls, as men do.

The prestige of France as the recognized palladium of Christian liberties in Turkey declined considerably when after years of coquetting with Turkey to gain the favor of the Moslem inhabitants it became known that Napoleon had made, at Tilsit, with the Czar Alexander a secret treaty for the partition of the Turkish Empire between France and Russia. Bonaparte had made his Egyptian coup; he had overthrown the Moslem forces at the battle of the Pyramids and then proceeded to gain the favor of the foe by affecting much regard for Moslem ways and fashions. His favorite attendant when he rode out was a member of the picturesque and martial-panoplied Mameluke cavalry, whom he took to Paris in his service on his return to France from the East. But all the time he was wooing the favor of the Turks he was plotting, through his confidant, a brother Corsican, General Sebastiani, Minister at Constantinople, for a partition of the territories in Europe which groaned under the sway of Turkey and were dreaming and intriguing for the hour of their emancipation to come, at the fall of

the Moslem power—Greece, Roumelia, Bulgaria, Servia, Montenegro, Albania and the islands of the Ægean archipelago. It did not strike for many years after the daring Corsican had toppled from his throne and his dazzling Mameluke orderly been swept away with him; and it came by the hands of those who had been trodden under the Moslem heel in the Balkans since the days of George Castriot until then. The power which conspired with Napoleon to dismember Turkey lent valuable aid to the liberators of the long-oppressed thralls; and the monstrous conflict which now rocks the Western World as an earthquake is the result of the European scramble for the Turks' long-enslaved possessions. History is not a series of disconnected tragedies working out for the world's betterment, as some optimistic philosophers regard and portray it. Though it may seem disorder, even chaos, there is direction in every move: and the Hand that holds the earth in its hollow is Divine.

One of the few consoling side facts connected with the present upheaval in Europe is the retractation of a humiliating false step by a sovereign who had gained much respect—Prince Ferdinand, who was chosen to be King of Bulgaria after the successful war of the Balkan States against Turkey. To secure the favor of the Russian Autocrat, he consented to have his son and heir, Prince Boris, taken into the membership of the Russian Church, as demanded by the autocratic patron of the Bulgarians. Ferdinand has in his old age repented of his craven subserviency to the head of the Church of Holy Russia. The daily papers recently announced that he had sought reconciliation with the Church of his forbears, the ancient religion of Europe and the East. Assuming that the report be well founded, the step is one that does great credit to his latent moral courage—for the taking of such a resolution shows that the flight of time had convinced him that she is the only Church that does not change her doctrines to suit the vagaries of men or pander to the ambitions of princes.

The ruler of Bulgaria is of the German house of Coburg-Kohary. He is connected with the house of Saxe-Coburg-Gotha, to which Prince Albert, the consort of Queen Victoria of Britain, belonged. He is also connected by marriage with the late royal house of Portugal. Ferdinand's mother was Princess Clementina, daughter of Louis Philippe, King of the French from 1830 to 1848, and aunt of the Comte de Paris, who belonged to the elder and younger branches of the house of Bourbon. Clementina's sister, Louise, was the consort of King Leopold I. of Belgium, and her brother was the Duke de Montpensier, husband of the Infanta Louisa of Spain. Ferdinand is in fact connected with so many

European and Brazilian royal families that his pedigree and connections would require a whole chapter of the *Almanac de Gotha* to set them forth in due order. He is now only fifty-four years old, and may have many years of life before him still to make amends for the sorry mistake he made in yielding to the Russian Autocrat on the question of religion in regard to his son and heir, Prince Boris.

Bearing in mind the fanatical attitude of the Russian Orthodox toward the Roman Catholic Church, it is difficult to understand how the old Emperor Francis Joseph could ever bring himself to enter into a pact with the German Kaiser, who had long been coöperating with the Sultan, the faithful head of the Moslem theocracy, and who is at present relying on the traditional policy of **massacre** of Armenian and Syrian Christians for the maintenance and extension of the Moslem system in both European and Asia Minor territory. This is one of the most bewildering of the moral **inconsistencies** involved in the complexities of the present unnatural tangle. The Pan-Slav movement, and the lengths to which it was prepared to go in order to carry out its ambitious programme, was horribly emphasized in the assassination of the Austrian Crown Prince and his wife, which resulted in the fatal ultimatum which precipitated the beginning of the awful conflict last July. At the present stage of the conflict the objective of both Russia, backed by the forces of Britain and France, is the possession of Constantinople. For this purpose the fleets and armies of the three Powers are engaged in the titanic task of forcing the Straits of the Dardanelles on the Western side of the enormous battle-line, while on the eastern one the Russians are striving with might and main to hinder help coming to the Turkish defense by way of Persia and the Caucasus, by the occupation of the regions of Van and Urumiah. To think that the Christian Powers can phlegmatically coöperate in the design to have Constantinople handed over to the mercies of the intolerant Russian theocracy, as appears to be really the case, seems to be the most marvelous illustration of the power of political hypnotism, in the working out of the system of alliances for military aggrandizement, that ever the history of the world afforded.

Saints and martyrs have sighed and prayed all down the years since the time of the schism over the Photius election for a reconciliation between the unnaturally severed members of the body of Christ and His holy Church. That dismal event demanded a long time for its full accomplishment, and a mighty stage, the whole Christian world of the fifteenth century, for the action of the momentous drama. The vast tragedy now being developed before the eyes of

heaven and earth, amid the regions wherein the seeds of schism were first sown, may be the prologue to one of a mightier and a holier one—the junction of the dissevered members of the Saviour's body and the reëstablishment of the single Fold of Christ under one Shepherd, as foretold in the Scriptures. We must not forget the words of Christ as to the permanence of His message to men: "Heaven and earth shall pass away, but My words shall not pass away." The times we live in are awesome. We must treat them in the spirit of deepest reverence and hopeful expectation that the united prayers of the Church Universal may bear fruit profitable for the whole suffering human race.

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RELIGIOUS BELIEFS OF EQUATORIAL AFRICANS.

I. TRIBAL NAMES FOR GOD OR SUPREME BEING.

THE veil of darkness and mystery that for so long concealed the interior of Africa from the rest of the world is being slowly but surely drawn aside. Many surprises attended the discovery of the source of the Nile and the regions round about the great Equatorial lakes, regions now being opened up to missionary enterprise and civilization. Vast territories situated on or near the Equator which were once considered hot, barren and uninhabited, are found to be temperate (at certain altitudes), fertile (after the rains) and thickly populated (especially round the lakes). It is true a great deal of information about the interior of Africa was known to geographers hundreds of years ago, as witness the ancient propaganda map of Africa, 1528; various Portuguese maps of the sixteenth century, and the famous Vatican map published in 1623, found in the archives of the Vatican. But much of the knowledge acquired by the early explorers and missionaries appears to have been forgotten, if not entirely lost, to the world as time passed, to be again rediscovered during the last fifty or sixty years.

Whilst it is comparatively easy to locate and describe geographical landmarks, such as mountains, lakes and rivers, it is admittedly difficult, in the absence of written records or monuments of any kind, to ascertain with precision the religious conceptions of primitive African tribes.

In most cases the saying holds good, "*Quot homines tot sententiæ*:" different tribes have different beliefs; even members of the same tribe will be found to disagree on many points. Some tribes are most reticent in regard to their religious beliefs and practices; others bring their religion into almost everything, especially important domestic events, daily incidents and accidents. Moreover, those parts of the continent that have come under European sway may be said to be, at the present time, in a state of transition. Already there are signs that the younger generation of the tribes in Equatorial Africa that have been brought in contact with outsiders, whether Europeans or Asiatics, are losing interest in the old order of things. Many, fortunately, are embracing Christianity; others, not a few, are being seduced into the creed of Islamism. At any rate, old manners and customs are dying out, ancient observances are being forgotten by the grim utilitarianism of modern times and by pressure from the white man. Hut taxes and poll taxes have to be paid, public roads and bridges have to be constructed—and the white man

insists on fairly honest service being given before he pays wages—leaving in consequence little time, for example, for the mourning period of from three to six months spent in lamentation for a deceased chief, as was the custom in bygone days.

Hence it is extremely difficult, and in many cases impossible, to obtain an intelligent explanation from the people themselves as to the origin and existence of some of their strange beliefs. This is partly accounted for by the fact that they regard their religion, such as it is, as an essential part of their nature, and so do not trouble, nor do they deem it necessary, to ask questions concerning the reason for any particular belief. It is only when their self-esteem is touched by pointing out the absurdity of some rite or custom that they essay to give an account of the faith that is in them. But the inquirer needs to be on his guard, as some tribes, for example, are accustomed to magnify the importance of their minor deities to such an extent as to lead one to imagine they are polytheistic; whereas, the truth is their worship of these deities so-called occupies a much larger portion of their time and thought than does that of their Supreme Being, who is generally kept in the background. Much information has already been placed on record by learned officials, missionaries and other writers on the subject, while much more no doubt still remains unknown. Students of ethnography in Europe and America, with all their advantages of a wide range of comparative study of religions and possessing reference libraries of the works of the foremost writers on the subject, will often be able to see clearly in cases where the local observer with his limited vision finds himself in darkness, more especially when he tries to work back in order to find the origin of some religious custom now a mere relic of its former self to what it may have been in the beginning.

In general it may be said that in the philosophy of the African there is little distinction made between supernatural beings who have never been within a mould of clay and the spirits of their ancestors. The characters they ascribe to these beings are unconscious reflections of their own natures; they are kind or hostile, friendly or revengeful, as the case may be; and to win their friendship or overcome their vindictiveness, they use the same artifices and means as would be employed in earthly contests. The keystone of the religion of most heathens is fear—fear of the unseen, of the unknown. From their appearance in this world until their exit from it they are completely enslaved by the superstitions of their medicine-man, who poses as the representative of one or other occult power. In sickness or health, in peace or in war, they look for guidance to an arrant impostor, who, combining in himself the functions of priest, prophet and physician, sedulously instills into their minds fear of

the supernatural, dread of what will happen to them should they incur the anger of the spirits.

It has been stated that the only spirits the primitive Africans believed in or feared were those of deceased chiefs who had belonged to their own tribe. Having been powerful whilst in the flesh, they naturally supposed they were equally so in the other world. At their burial slaves were killed to accompany them; food, tobacco and other articles were placed in their graves for their use; and certain tribal ceremonies carried out, all tending to prove their belief in the continued existence of the souls of the chiefs. It has also been asserted by some authorities that by degrees these ancestral spirits developed into beings of an altogether superhuman character, and that a further distinction was made in regard to their relations with the living by dividing them into good and bad. That the souls of the dead of another tribe were considered inimical is certain, especially to the persons by whom, for example, they had been slain. Various sacrifices, such as the killing of a chicken or goat, and certain purifications, such as the shaving of the head or bathing in a stream, had to be made to avert the supposed evil influence of the enemy's spirit. In course of time the original system of ancestral worship seems to have been superseded by the cult of numerous tutelary deities, or supernatural agencies, which for the sake of clearness may be styled demon spirits. These spirits were usually associated with certain localities, such as hills, lakes or rivers; with various diseases, such as blindness, smallpox, bubonic plague; or with certain forces of nature, such as lightning, hurricane, earthquake and the like. The work of propitiating these spirits by making offerings of food at their shrines, and of warding off the evils which they were supposed to cause, unless presents were made to their earthly representatives, the wizards, constituted for the most part the sum total of their religious practice—so much so that the direct worship of the Creator was almost neglected. The African nature, in so far as he located the spirit world at all, placed God above the earth in the sky, but the spirits of his ancestors and the demons on or beneath the earth.

But whilst it is certain that most African tribes paid a kind of worship to tutelary deities—in some cases as numerous as the gods of Olympus, though not deserving to be styled gods—it is also true that above them all and greater than all was one Great Being in Whom they believed, and Who was independent of all others. When questioned on the point, every intelligent heathen, man or woman, will acknowledge that there is one God, and one only, and that He is good, merciful and powerful. Among all the tribes that I have come in contact with in Equatorial Africa during my fifteen years' missionary work in that country, the people were found to have a

special name for that one God, which name they invariably uttered with reverence. The Swahili tribe call Him *Muunget* (some *Mulunget*); the Masai, *Engai*; the Nandi, *Asista*; the Nilotic Kavirondo, *Chiang*; the Bantu Kavirondo, *Masave*; the Banyoro, *Ruhanga*, and the Baganda, *Katonda*. All these tribes, it is true, have not the same clear idea of the existence of God, their notions being more or less vague in proportion, it would seem, as they are the slaves or otherwise of degrading customs; but even though they may differ in their conceptions of His nature and attributes, they all agree in the essential fact of belief in the existence of one all-good, all-powerful Being.

In the regions surrounding Lake Victoria Nyanza there are dwelling tribes, some of whom, like the Baganda, before the advent of Europeans possessed a semi-civilization of their own; others, like the Masai, maintained at all times a standing army of warriors and were never overcome by slave-raiders. Not all are equal in point of intelligence, nor do they all obey the same strict tribal laws; but it is a misnomer to call them "savages" if by that term is meant people living a lawless life outside all the conventions and usages of domestic or social intercourse. Moreover, if they are "uncultivated," as we understand the word, at any rate they are civilized to an extent which suits their nature and conditions. The surprising thing is to find such a people, if not altogether monotheists in the same way as Christians, Jews and Mohammedans, at least with minds most receptive to the doctrine of one Supreme Being. In addition to this Being, some tribes have, as has been said, a numerous catalogue of demons or minor deities for whom they entertain more fear than love; others carry out an elaborate system of ancestor worship; others practice the rite of circumcision, whilst others offer on certain occasions sacrifices of animals or else gifts of such things as chickens, milk, beer or grain. Traces are found in their legends of certain primary truths, which when disentangled from a mass of superstition and necromancy may be regarded as having reference to "the creation of man," "the fall of our first parents," "the entrance of death into the world," "the survival of the soul after death" and "the donation in the beginning by God to man of all earthly goods." From the point of view of social ethics it need only be observed that in spite of tribal wars, slave-raiding and the continual struggle for existence, these tribes have increased and multiplied in a healthy, natural manner, whilst present day evidence proves that their kings, chiefs and elders from time to time formulated wise laws which caused their people to live according to a moral code of a fairly high order.

In the following pages we shall briefly review the heathen re-

ligious beliefs of four African tribes; many members of these tribes have already embraced Christianity; indeed, amongst some of them, like the Baganda, it may be said that heathens are few and far between. All these tribes reside in British territory in Equatorial Africa, and may be considered as typical Bantu and Nilotic tribes, representative of the many others found occupying the interior of the "Dark Continent," and all differing from one another in language, location, manners and customs.

The Baganda, a Bantu tribe dwelling in Uganda.

The A-Kikuyu, a Bantu tribe dwelling in British East Africa.

The Nandi, a Nilotic tribe dwelling in British East Africa.

The Masai, a Nilotic tribe dwelling in British East Africa.

II. BAGANDA RELIGIOUS BELIEFS.

The Baganda dwell in the fertile country called Uganda (more correctly Buganda), which stretches along the north and north-western shores of Lake Victoria Nyanza and west of the Nile at its source. For hundreds of years they have had kings who ruled with despotic power and whose commands, however cruel, had to be instantly obeyed. The names of over thirty of these kings are known, as well as the approximate date of the reign of some, the line of dynasty stretching from Kintu, their supposed first king and founder, to *Daudi* (David) *Chua*, their present ruler under British protection. In some respects the Baganda are superior to other tribes round about them, and, although dwelling farther inland (at least 800 miles from the East Coast) than others, they excelled in the cordial welcome they gave the Catholic missionaries and in the fervor and earnestness with which they embraced Christianity.

Even before the arrival of Europeans in their country or before any known contact with the outer world, they had a most complicated system of self-government, in which King, chiefs and people took a part. The King or *Kabaka* ruled with absolute sway; whilst every chief had a special office to fulfill in a kind of graduated hierarchy round the throne, each exercised authority over his respective district or clan, but all were subject to the King and had to consult him regarding affairs of state. One of the head chiefs called the *Gabunga* filled the position of admiral in charge of the war canoes on the lake; another named the *Mujassi* was commander-in-chief of the army during war, whilst various other chiefs exercised functions about courts, such as chief butcher, chief builder, chief beermaker, etc. Among the minor officials not the least important were the musicians, the drummers, the sorcerers and the executioners.

The religious conceptions of the Baganda consisted chiefly in:

1. Belief in the existence of a Supreme Being for Whom they had reverence.

2. Worship of numerous spirits or tutelary deities.

3. Offering human sacrifices to propitiate certain spirits and to honor and aid the souls of deceased chiefs and kings.

4. Totemism, consisting of the superstitious reverence shown by the members of a family or clan for some particular thing.

1. *Belief in a Supreme Being.* As their legends and folklore testify, this tribe always had a belief in the existence of a Supreme Being, Whom they called *Katonda* (lit. Creator), from the verb *Kutonda*—to create. Whilst their idea of the nature of this Being was vague and indistinct, still to their minds He was absolutely the first, the most widely known, and reigned above and independent of all other deities. He was regarded as being good, wise and powerful, but Who dwelt afar off, was difficult to approach and more or less indifferent to their individual wants or welfare.

Some natives even affirmed that when *Katonda* created all things He handed over the government and care of everything to the *Balubare* (spirits), who were therefore to be served and worshipped by all as having immediate influence. Thus through this false notion of theirs they separated the God of Creation from the God of Conservation. There were no temples erected in His honor, at least none have been found, nor does there seem to have been any definite form of public worship offered to Him. He was, it is true, spoken of with reverence as the great Creator of all things, Who in the beginning made the first man (*Kintu*) and the first woman (*Nambi*) of their race, and sent them down from heaven to the earth to live there and to bring forth children, giving them at the same time various kinds of food for their support. Later on, when the first man and woman disobeyed His command, and their children were being killed by an enemy called *Rumbe* (lit. death), *Katonda* sent them His son to protect them, Whom they called *Mulokosi*, meaning Saviour. Hence the Baganda revered *Katonda* as their Creator and also as their Benefactor who sends the rain from *Gulu* (lit. above heaven) to make their banana plantations and sweet potato crops grow which produce their food. As far as is known no human sacrifices were ever offered in His honor, as was the case with some of the spirits, though certain individuals were looked upon as His special representatives on earth, nor was he portrayed under any material shape or idol, nor supposed to dwell in any special locality. He was to them as to the American Indians the Great Spirit—invisible, all-powerful.

2. *Spirits or Tutelary Deities.* In practice, however, the religion of the Baganda—in so far as it can be called a religion at all—con-

sisted in the worship and pacification of various *Balubare* (demon spirits).

Throughout the country they had over forty of these spirits, each one having a particular shrine or locality, certain special recognized functions and an established place in the list of precedence from *Mukassa*, the first, to *Wamala*, the last. The name *Balubare* (sing. *Lubare*) implies something essentially evil, or the exercise of evil power, hence these spirits cannot be taken as beneficent deities. Most of them had their special representative or intermediary on earth, known by the generic name *Mandwa* (lit. wizard), or when combined with the practice of magic *Mulogo* (lit. sorcerer). These individuals, whilst sometimes administering really curative medicines, invariably exercised a most pernicious influence over young and old. Every wizard of a *lubara* (spirit) is said to have become at times possessed by the spirit he represented; most probably devil possession took place. There were also, no doubt, many cases of clever fraud, as the medicine-men excelled in all kinds of cunning and deception, as was well known. Until the time of King Mutesa, for example, it had been the custom in the country that after the death of a King a new *Mandwa* (wizard) appeared who declared that the spirit of the dead monarch had entered into him or did so periodically. On such occasions he talked in a strange falsetto voice or else roared frantically when the people, believing that the man's story was true, brought jars of *mwenge* (banana-beer) for the *musimu* (spirit of the departed) to drink—a spirit being supposed not to eat. Mutesa, however, before he died gave orders that in case any *Mandwa* should pretend that he had his (Mutesa's) spirit or soul, he was not to be believed unless he could speak Arabic—the King alone in the country having learned some few words of that language. Fear of certain death prevented any one from making such a claim after the decease of this monarch, nor was it made after the death of his son and successor, King Mwanga, who died in exile in Seychelles May 8, 1903. Some of these *Balubare*¹ were said to be good, others bad, but all needed gifts to propitiate their wrath. The fact is, the words good (*barungi*) and bad (*babi*) had relative meanings in these cases; the same spirits might be good to-day and bad to-morrow, or good in the eyes of some people and bad in the estimation of others, in proportion as the petitions of the suppliants were granted or refused. For instance, should a woman who had been barren have offspring after visiting the shrine of any particular spirit, she would say the spirit was good, whilst another woman who remained childless after her visit would regard the same spirit as bad.

¹ See "Irish Ecclesiastical Record," September, 1903—article on "Some African Languages and Religions."

The same also in regard to sickness; should a person recover after gifts had been made to a certain spirit, that spirit was spoken of as good; but in case the person was not cured or died, then the spirit was bad and vindictive.

Whilst undoubtedly cases of real demoniacal possession took place, it would be assuming too much to suppose that all were genuine. It is certain that many supposed cases were due to clever imposture on the part of the wizards. These crafty ones, seeing the immunity they possessed from danger of apprehension, and knowing that the office of *Mandwa* meant the reception of gifts from their credulous neighbors, readily learned to imitate the voice of deceased people or even the actions of a madman, their object being to gain respect through superstitious fear of their powers, as well as offerings of cattle, fowl and native beer. Moreover, as amongst all primitive and ignorant races, many forms of mania and other diseases are believed to be due to the presence or influence of some demon, so here also certain individuals at times suffering merely from mental disorders, come to be regarded during their fits as being possessed, and they themselves by degrees imagined they were at such times under the influence of an unseen spirit or *lubare*. That the functions and characteristics of these spirits were various as well as numerous may be seen from the following list of the *Ba-lubare* (spirits) of Uganda:

Mukassa was the principal spirit (after *Katonda*) and presided over the Lake Victoria Nyanza. Some accounts describe this *lubare* as a god, others as a goddess; we shall follow the former reading for the reason that according to their legends the Baganda never had a queen, though they have had many kings. *Mukassa* was known and feared all over the country, especially by the fishermen; he could calm at will the stormy lake; grant to his clients a propitious voyage; make rain or cure the toothache. Nothing was too great or too small for his powers. He had his special *mandwa* (wizard) whose shrine was on the Island of Bubembe, one of the Sese archipelago. The island is about four miles long and two broad; there is a high hill in its centre and dense forest along the lower level by the margin of the water. To this shrine were sent the gifts and offerings of the chiefs and people of the neighboring kingdoms. From time to time the Kings of Uganda sent presents of cattle, sheep and goats, sufficient when slaughtered to make a stream of blood flowing from the shrine to the lake. When it entered the water a great shout of delight went up from the assembled multitude, for it was then assumed that the deity was appeased. If necessary, a naval expedition might now take place, the sailors and fishermen might now venture upon the lake, for without the permission of *Mukassa* no one could hope for a prosperous voyage.

From the commencement of the spread of Christianity in the country, however, his influence waned, and in consequence of the decline of his power the cattle sent as offerings were not so numerous nor the blood shed so abundant as formerly. To prevent soakage in the ground, and as it was imperative that the blood should actually flow into the lake, the people laid the rinds of the banana tree along the earth—each end overlapping the other like the guttering of a house—and in this way the blood was still made to flow into the water. The spirit was believed to appear to his high-priest once in three months, and at these times only offerings and sacrifices were made. In the interval his *Mandwa* was merely a private individual of chief's rank and went about his business in the manner of ordinary mortals. But when the day for offering sacrifices came round he became possessed by the spirit of *Mukassa* and appeared a bow-legged, contorted creature. The god never visited any of the other islands in the lake; both chiefs and people had to go to his special shrine whenever they wished the *Mandwa* to ask him for favors on their behalf. From poor persons gifts of goats, cowrie shells and even rolls of bark cloth were accepted, while Kings and chiefs usually presented the deity with slaves and cows.

Many stories are told about the power of the god *Mukassa*. It is said that in the year 1879 he placed the lake in quarantine for three months, issued a kind of embargo on all vessels and would allow no one to touch its waters. At length, in order to have the ban removed, King Mutesa was obliged to send to the island an offering of 100 slaves, 100 women, 100 cows and 100 goats. The spirit then "untied" the lake and gave permission for the navigation of its waters. After that event the King built a shrine near his own residence at Mengo so as to have *Mukassa's mandwa* near himself and under control. There is hardly a trace of his shrine now anywhere, the grass and weeds have grown over it. The successor of *Mukassa's mandwa*, *Gugu*, became a Christian, and with his baptism the cult of this great African Neptune died out.

Musisi, the demon of earthquakes, corresponding to the dragon in Chinese folklore; when the ground trembled he was supposed to be shifting his habitation; and should a rumbling noise be heard, the people of a village rushed out of their houses and joined in a prolonged shout.

Kaumpuli, the demon of bubonic plague; this diseases, which is common in the country, is also known by the same name.

Ndaula or *Kawali*, the demon of smallpox; this disease carries off thousands of victims whenever an epidemic breaks out.

Kibuka, the demon of war and the guide of armies on the march—a kind of local *Mars Gradivus*.

Mayanja, the furious demon residing in the leopard. It is said that in former times when the King was about to finish a new palace it was the custom to have a feast, and at this particular feast it was laid down that the demon *Mayanja* should be appeased. To accomplish this object as many as 700 men and women were seized and slaughtered at one time. The bodies of the victims were then thrown to the leopards, after which the demon was supposed to be satisfied. Only the *Bakopi* or common people were caught; in case the sons of chiefs or petty officers were seized in mistake, they could generally purchase their freedom by the payment of a sheep or a cow.

Musoke, the spirit of the rainbow, who forced parents to give up their children and hand them over to others. He was appeased as soon as the transfer was made. This custom, the handing of one's children over to others, was the ruin of family life in the country and led to many abuses which are slowly dying out.

Mwanga, the spirit that presided over the future. His *mandwa* was a kind of soothsayer or fortune-teller, whose stock in trade consisted of a hundred cowrie shells loosely stitched to a piece of hide. When a client sought his advice he took the piece of hide in his hand and made a sign on himself by first touching his forehead, then his breast, then his right and left shoulders. He then flung it down on the ground, and according to the positions assigned to the shells the future good or bad fortune of the person was prognosticated.

Wanema—This spirit was regarded as a female having general functions. Her *mandwa*, when consulted, became bow-legged and contorted in body, but when the seance was over he became straight again.

Kayindu, the jumping demon; like the Indian fakirs, his *mandwa* could leap on thorns, broken glass or short spikes set upright and yet suffer no hurt.

Kitenda, the cruel demon residing in man-eating crocodiles. Whenever the King, on the advice of the *mandwa*, thought it necessary to appease him, a party of executioners scoured the roads and collected 200 or 300 men. These were then taken to the Lake Victoria Nyanza at a certain place, and after their legs and arms had been broken they were either thrown over a rocky cliff to the crocodiles in the water or left helpless on the shore for the crocodiles to come and devour. The bones of these unfortunate victims were seen there in piles until quiet recent times.

Magobwi was the snake demon. Offerings of fowl and goats were made to this spirit, and these were usually thrown into a ravine where a python was known to have his headquarters. Some tribes do not kill the snake; in fact, should they see one near their home

they regard it as a lucky visitor, and at such times they give it milk or other food and let it go away. They imagine the spirit of some of their ancestors has returned in the snake's body to pay them a visit or to bring them news, e. g., that there will be a birth in the family. In former times, anyway, there were some clans of the neighboring Basoga and Kavirondo tribes who offered a kind of worship to the snake, or rather to the spirit supposed to be in its body.

On certain occasions they obtained a huge python, placed it in a hut specially made, gorged it with food and held a feast of dancing, drinking and shouting (called the feast of *Rumbe*, lit. death) which lasted night and day for a week. The men invoked the snake's protection on their wives and children (whom they brought to the hut), telling them they must never injure it and must always address it as "*Mukama wafe*" (lit. our master). Nowadays, however, few natives fear or honor the snake; they have lost confidence in its supernatural powers, especially since they discovered the contempt the Christian has for the reptile.

Nogodya was supposed to be a daughter of the god *Mukassa*; she had her special votaries, and sacrifices of animals were offered in her honor.

Lule was the spirit of the rain; also of tears and mourning.

Nagawonye, the spirit of plenty; the natives placed jars of banana beer at the shrine of this spirit, generally under large trees, in order that their crops might be abundant.

Nakayoga, the demon of storms and whirlwinds—a kind of "will-o'-the-wisp."

Kiwanka, the spirit of lightning; should a person be struck it was said that he had done something to offend *Kiwanka*, and the flesh of animals killed by lightning was not eaten.

Kagolo, the spirit of thunder; it was believed the noise killed as much as the flash, hence cases were known of native soldiers in battle not bothering about bullets for their guns as long as they had gunpowder to fire off and make a noisy report.

Kizito, like *Mwanga*, also foretold future events.

Waziba—This spirit had no *mandwa*, but was supposed to speak through the agency of a little bird which they never killed.

Walusi, the demon of meteorites and a red sky at sunrise and sunset. His shrine was on a hill called *Watusi*, in the province of *Bulemezi*, and the natives say that at certain times fire is seen issuing from its summit; probably an almost extinct volcano.

Luisi, the hungry demon in the hyena. The wizard of this demon when he became possessed walked on all-fours and crunched large bones with his teeth.

Lubanga, the dancing demon; his *mandwa* when he danced fastened little bells to his feet and waist and dressed himself up in the most fantastic style.

Mbajwe—This spirit was formerly a *jembe*, i. e., one of the King's charms, but was ultimately transformed into a snake.

Nabamba, the spirit invoked to find things lost; it is said his *mandā* invariably found lost articles for a client.

Kigala, the spirit of deafness; he was deaf himself. Even at the present day one hears the expression applied to a deaf person, "*Kigala omukute*," i. e., "*Kigala* has him," or he is deaf.

Wamala, the last and least, but noticeable because he is the last of the *Balubare* of Uganda. There were about ten other demons in addition to the above, but known only as local spirits with uncertain functions. The small thatched shrines erected to all these spirits, or demons, or tutelary deities, were not of a permanent nature; merely flimsy structures of reed and wattle plastered over with mud and roofed with sticks and grass. There are few large shrines now in existence, but numbers of small *Lubare* huts about the size of a beehive may be seen about the country in heathen villages. Every household had at least one such spirit hut in front of his dwelling, in which were placed occasionally small portions of food or other simple articles. Many of these little huts or roadside shrines are also found under certain big trees supposed to be inhabited by some particular spirit. In the minds of the people these spirits watched over individuals as well as certain localities. They believed that all events happening around them or to them had their origin in some impulse from these spirits. Their influence was in some way connected with every action of human life, hence their aid was invoked on all occasions. The worship given to them by the people was founded on mere superstitious fear, fostered, as has been said, by the wizards, who mercilessly fleeced their victims for their own advantage.

3. *Human Sacrifices*. In connection with the worship of these spirits, and in consequence of their supposed power of causing good or evil, was the awful slaughter of human life that happened in Uganda in pre-Christian days. We can only refer briefly to that fearful custom of an otherwise fairly enlightened people, but it will serve to show to what excesses of cruelty an absolute monarch can go when guided by the advice of unscrupulous wizards. The holocaust of human lives that took place from time to time on certain hills around the capital by order of the King and his advisers was called a *Kiwendo*. When the King was ill he sent for his advisers, who invariably recommended a *Kiwendo* on the surrounding hills as the only way to propitiate the spirit that was causing the illness. The

King's executioners were then ordered to go out to collect victims. They laid in wait along the paths and highways, generally near the crossing of a stream, and seized all they could lay hands upon. Sometimes over 1,000 victims were caught in this way, the capture requiring several days, and when the number was complete, all were put to death on the same day. This shedding of human blood was usually made to propitiate the anger or to obtain the favor of one or more of the *Ba-lubare* (spirits). During the lifetime of King Mutesa, who died in 1884, and who was reigning when Stanley arrived in the country, there were so many innocent persons slaughtered that he was called by the people "*Mukabya*"—"the one who causes tears." His father, King Suna, also used to have many such *Kiwendo*, and of course Mutesa, after the example of his father, must exercise a similar power. It is recorded that after the King had embraced Islamism, a short time before Stanley's arrival—which he afterwards rejected—he one day ordered 200 youths to be burned alive, because they had gone a little further than himself in adopting the new creed, having been circumcised by the Arabs who were at the court. Some years afterwards he gave orders for a great *Kiwendo*, when about 2,000 men, women and children were seized and put to death.

Then again, later on at the rebuilding of the sepulchre of Suna, King Mutesa ordered a similar butchery. The King's tomb which I visited (Mutesa's) takes the shape of an enormous circular hut thirty feet high, constructed of palm posts, reeds and grass over the grave. When the work of erecting the tomb approached completion, executioners were sent out on every road approaching the capital to catch every one coming in from the country. At length enough were seized and a great *Kiwendo* was carried out, when some 2,000 innocent people were murdered on the site under the personal supervision of the King and his principal chiefs. All this was meant as an offering to the departed spirit of the late King. It is, however, satisfactory to be able to state that in those parts of the country where Christianity has obtained a foothold most of the superstitions mentioned above have died out, whilst human sacrifices and the other barbarous customs of heathen times have long since disappeared. The Light of the Gospel, with its attendant blessings, has now enlightened a people that at one time literally sat in the darkness of superstition and the shadow of death.

4. *Totemism.* Totemism as practiced in Uganda and neighboring countries seems to be partly a social and partly a religious institution. From a social or domestic point of view it creates a bond of union between the members of the same clan by which they may know one another after years of separation, and which helped to

prevent intermarriage amongst relatives through ignorance of their relationship. In its religious aspect it consisted of a superstitious reverence shown by the members of a particular *Kika* or clan for some particular totem or material object or thing which they called *Muziro*. Each of the thirty clans in Uganda had its special *muziro* (totem), which were regarded as quasi-sacred objects, such as beasts, birds, fishes, reptiles, insects or vegetables, and which were considered as identified in some way or other with the original founders of the clan. The animal or plants chosen as totems varied in different tribes; some tribes practiced it systematically, whilst others seemed to have only faint traces of it. It was unlawful by custom for a native to kill or eat the totem of his clan; in other words, that particular thing was for that particular clan "taboo;" that is, something forbidden, something which they must not destroy or eat. On the other hand, they believed their totem gave them protection from evil, and that it was the visible representative of the invisible spirit or ancestor of the supernatural world.

III. A-KIKUYU RELIGIOUS BELIEFS.

The important tribe called the A-Kikuyu dwell in the uplands of East Africa, 350 miles inland from the coast, about midway between the Indian Ocean and Lake Victoria. The people speak a Bantu dialect; they cultivate the soil to a large extent and are extremely superstitious.

They have an extraordinary confidence in the supernatural powers of their medicine-men, who, along with other occupations, practice the lucrative business of rainmaking. The tribe, which is numerous, was never ruled as a whole by one King, but by various chiefs, each one having independent sway in his own respective province. Though always suspicious of the European and never wholly trusting or loving him, they have submitted peacefully to British rule. So much did they object to white men entering their country in the beginning that the celebrated travelers, Count Teleki and Von Hohnel, as well as a previous traveler named Fischer, had to fight their way across it. They were, however, peaceful when our missionary party passed through their country in 1895. As the basis of their religious system the people hold four important beliefs, all of which enter closely into their daily lives:

First—Belief in God.

Second—Ancestral spirits.

Third—In sin and its transmission.

Fourth—Binding power of an oath.

1. *Belief in a Supreme Being.* The A-Kikuyu believe in the existence of one Supreme Being whom some call *Mulungu*, others *Engai*.

They say that God is the Author of all things; nothing can happen either of good or evil without at least His permission. But their idea of one God only is, unfortunately, limited to the one protecting themselves, not their neighbors. Until now, they say, there have really been two Gods—a black God, their own, and a white God, that of the Akamba and Masai; these two tribes, being their neighbors and invariably their enemies, were best known to them. Moreover, since the arrival of Europeans in the country, they have commenced to speak of a third God, that of the *Wazungu* or white men, whose God must, of course, be superior to the other two, seeing that the white men have conquered all the country. In the above notion of black and white Gods there is, no doubt, the germ of polytheism; but this comes most probably from the extremely selfish character of these people. They say that God does not live alone by Himself; that He has many children; that He is good, merciful and sends them the rain for their crops. He is to them an almost distinct personality and is supposed to dwell amidst the snows on the summit of Mount *Kilinyoga* (Kenya). They offer to Him numerous sacrifices, such as the first fruits of the harvest, but more especially sheep. With them the sacrifice to God is always public and solemn, and is usually made at the foot of a sacred tree. The object of this sacrifice is to beg for a blessing of a public or general character; for example, rain—during a time of drought—or cessation of an epidemic. It is offered exclusively by the elders of a district, although the women and children are sometimes allowed to take part in it. But private individuals may also offer private sacrifices to propitiate the ancestral spirits. As the A-Kikuyu people are not at all imaginative, one never hears them speak of any mythological monstrosities, nor does one see amongst them any vestiges of idols or fetishes, except indeed the wearing of a number of charms on their persons. In common with other tribes, they are never able to give a satisfactory answer as to the “why” and the “how” of their beliefs, although they do sometimes make an attempt to give an *a posteriori* reason. Should you ask a MuKikuyu man the question, “How do you know that God exists?” he will reply, “Because we have always known it,” and should you remind him that what he has said is no proof, he may do, as one did to a missionary on a certain occasion, when, taking hold of the latter’s hand, he examined the fingers, nails, joints and skin, and finished by asking, “And do you believe that He Who has made all does not exist?” To the further question why is it that there is one God for his tribe and another for his neighbor’s, he will reply, “Because there are days when it rains in the country of Masai and A-Kamba, whilst in our country we are suffering from drought. Besides that, whenever our warriors go to attack these tribes in their

territory, we get beaten, whereas when they come to our country we always defeat them, so that it is evident they have a God Who is not the same as ours." The A-Kikuyu being, as has been said, extremely selfish and very suspicious, their ungenerous nature could hardly allow them to share even a God with other people. They seem to know instinctively that there is a God and that He is the Master of life and death, since it is He Who gives or refuses the rain. In a country like Kikuyuland, where the people live on the products of the soil, the rain means life, while drought means death. The whole social problem for them is centred in how to obtain their food; and they believe that God alone is able to solve that problem and to answer their prayer, "Give us this day our daily bread." For them the lofty snow-capped volcanic peak of Mount Kenya, with its ever-changing robe of mist and cloud, seems to be His most appropriate dwelling place. In regard to the origin of man, the A-Kikuyu say that in the beginning God created a boy and a girl who became the progenitors of the human race; that is to say, of themselves and the tribes living along their borders. Their present chief medicine-man can explain that this boy and girl had three sons. One became the ancestor of the A-Kikuyu and A-Kamba; the second, of the Masai, and the third, of the Doroba—a wild tribe of hunters who live in the forests. God, however, ordained that the A-Kikuyu and A-Kamba should cultivate the earth, hence both these tribes are agriculturists; to the Masai he gave the flocks and herds, and this tribe is pastoral; but to the Doroba nothing at all except to live by the chase. The Masai scattered themselves over the plains for the sake of the pasturage, and that this is why, he says, their language differs from the two former, who speak Bantu dialects.

2. *Ancestral Spirits.* The A-Kikuyu believe in the existence of spirits, or *ngoma*, as they call them. These spirits are, however, merely the souls of deceased members of their tribe, and they never speak of any others. As no fixed abode is assigned to them, they can wander about wherever they wish. Their nature may be partly inferred from the expressions used to describe them—*ruhuho*, meaning "wind," or *Keruru*, "shade." They attribute to them all their personal misfortunes, such as sickness, death, accidents. They offer to them numerous sacrifices, generally slaughtering a sheep or a goat, even sometimes an ox; but these sacrifices are as a rule private and propitiatory, though usually carried out in the middle of the village. All the members of the family, including all the little children, are bound to take part in the ceremony. This family sacrifice is not always propitiatory; it may be merely commemorative. In the latter case, as there is no domestic trouble in the family to be removed, their intention is to prove to the dead that they are not forgotten.

But this system of ancestral worship is found on examination to be almost identical with demon worship. For should a native be asked how does he know that death is not the end of all and that the dead become spirits, his first reply to the question will invariably be the same as that given for the existence of God—"Because we have always known it." Then to the further questions whether he has ever seen a spirit, and how does he know that they return to the village, he will relate the case of some man or woman who became possessed and fell down on the ground without sign of life. On being questioned, the spirit replied by the mouth of the possessed person, "I am such a one (naming a deceased member of the family); if you do not offer a sacrifice, I will kill this person in whom I am." Then they slaughter a beast, and after they have sprinkled some of the blood on the ground, the spirit departs, when the person returns to his or her normal state. In practice they make a wide distinction between the worship of God and the worship of ancestors. Their obligations towards the latter they scrupulously observe, because they believe the spirits can cause them all kinds of evils; but their duties toward God they practically neglect, except on special public occasions. They know nothing about either heaven or hell; it is the spirits, they say, who punish the wicked in this world, but not in all cases nor at all times, as they can be pacified by offerings. In general they easily overlook violations of the Decalogue, whilst on the other hand they are very severe in punishing breaches of their tribal customs, rites and observances.

3. *Sin and Its Transmission.* The people of this tribe have a peculiar notion about sin or wrongdoing. According to them, sin is the violation of any tribal law or custom whatever; but lying, stealing, killing and the like are not included in this definition. These latter, to their minds, are indifferent acts, regarded from the point of view of their consequences. They have separated the idea of sin from the idea of God because these two are contradictories. Hence they do not think they offend God when they rob from their neighbor; on the contrary, they imagine He assists them whenever they are successful; but they admit that they have done an injury to their neighbor from whom they have stolen. They distinguish in a sinful act three grades—(a) *mogiro*, the prohibition; (b) *noki*, the violation; (c) *sahu*, the punishment. Sin is therefore feared on account of the consequences which are sure to follow, such as sickness, death and other calamities, and these they call *sahu*. On this general idea of sin they have grafted two other complimentary notions, viz., that sin is transmissible and also remissible. For example, should the wife of a man become ill, her husband will suspect that his father-in-law has committed some sin and will at once start off to inquire

what he has done to cause his daughter's illness. Again, should a man or woman violate a tribal law before their marriage, then later on, in case one of their children falls sick, the sickness will be attributed to the act of the parent; that is, the child is regarded as undergoing the consequences of the sin of the guilty one. Hence they believe that sin is transmitted by generation. In all probability it is in consequence of this belief that they practice the rite of circumcision, which really depends or follows on their idea of sin. For since evil can be transmitted, as they say, by generation, it becomes all-important to purify the organs of generation, and this can only be done by the shedding of blood. With regard to the remission of sin, they believe that this can be obtained in two ways—either by a public avowal of the sin to a sorcerer, who expels it by a rite of which the principal part is the taking of a vomitive, or by a private confession to a friend. In this latter case the penitent considers that he will be free from punishment as long as the friend keeps silence about the matter, but no longer. For the sin of incest the culprit was considered deserving of death, but, having produced as a substitute a scapegoat, the animal was killed instead of himself, after which the culprit was allowed to go free.

The only reason they can give to account for their belief in sin and its effects is tradition; the belief has been handed down amongst them for generations; their forefathers believed in it and acted in the same way. But it is evident their idea of sin is absurd; it is contrary to good sense, to the actualities of everyday experience and to their own interests, since it demands from them the sacrificing of animals—their principal source of wealth—on all possible occasions. It is, moreover, utterly false, for sin—as they understand it—is not as they imagine the only cause of all their evils; neither is it transmitted nor remitted in the way they fancy. The truth is they do not understand the distinction between good and bad, between heaven and hell. For, seeing that they have detached the idea of God from the idea of morality, they cannot comprehend why a person should be rewarded for his good acts or punished for his bad ones.

4. *Binding Power of an Oath.* The people of this tribe have a strong belief in the binding force of an oath. The most solemn oath known to them is called *Kurunga-thengi*, and is imposed on them by the head chief only on special occasions when he wants them to fulfill certain obligations. The ceremony is usually performed by an old man, who must belong to a particular clan. On the appointed day and at a prearranged place the people assemble. The elder takes a male black and white goat and, having tied its four legs together, packs in between the legs and the body of the animal twigs cut from certain plants. As soon as the preparations are complete all the par-

ticipators in the oath move to the windward of the animal except the elder who conducts the ceremony, it being considered deadly to stand down wind while the performance is going on. The elder in question then takes a large stone and strikes the legs of the animal until they are broken, all the time calling out that any one who breaks the oath will have his legs broken in the same way. He then enumerates the obligations which it is essential they should discharge. He next proceeds to hammer the spine of the animal and finally the skull in the same manner, continually haranguing the assembly and threatening them with a similar fate if they break the oath by omitting to perform the duties he enumerates. When he has finished the assembled crowd marches off in a body chanting a song to a place about half a mile away, where another speckled goat has been slaughtered and the blood and contents of the stomach spread on the path. Each member of the party treads in this with his bare feet, and on all who do this the oath is considered binding under pain of death. The flesh of the two animals thus sacrificed is not eaten, but left in the bush to be devoured by hyenas.

It is certain that the practice of their religion is regarded as a necessary business by the A-Kikuyu, and of course such a people, such a religion. To explain the great problem of the existence of evil amongst them they have in their own way tried to give a solution. They are unable to give any satisfactory explanation of the truths known to us by Revelation and from the Bible. But one may sometimes find in their religious beliefs, though faint and indistinct, traces or at least resemblances of some of the great facts recorded in Genesis. The sin of Adam, for example, would be, in the opinion of these Africans, the violation of a veritable *tabu*, or thing forbidden. "If you eat of the fruit you shall die"—this is what they call *mogiro*. Adam and Eve ate the forbidden fruit; that is the violation—*noki*. Sin entered into the world by the disobedience of one man alone, and by sin the punishment of death followed—that is *sahu*. It may be said that should the A-Kikuyu ever all become Christians—and already a large number have embraced Christianity—their strong point will undoubtedly be dogmatic theology; when once converted to the true faith, they will most assuredly be staunch Christians; for even as heathens, their sacred tree, which may be seen in a conspicuous place, generally on the top of certain hills, appears to them as a perpetual reminder of the necessity and importance of religion.

IV. NANDI RELIGIOUS BELIEFS.

About 100 miles farther inland than Kikuyuland there is the elevated region called the Nandi plateau, one of the most beautiful and

fertile districts in the whole of East Africa. The country, which has an altitude of from 7,000 to 8,000 feet above sea level, is hilly, well-watered by clear mountain streams and in places covered with dense forests. The tribe called "the Nandi" dwell on this plateau, except in certain parts which have in recent years been reserved by the Government for white settlers. I have traversed the country more than once, and during the five or six days which it took to cross through the territory of the tribe I found the natives friendly, though at one time considered, and rightly so, as most dangerous and treacherous. The climate is exceedingly temperate for a country situated on the Equator, whilst in point of natural beauty and wild, rugged scenery the country might be called the Switzerland of Africa. For although the plateau is cut by the Equator, the days are usually cool and cloudy when not wet or windy and the nights cold, sometimes down to freezing point. On the open grazing ground may be seen an abundance of wild clover; in the thickets, maidenhair fern, while evergreen shrubs are found everywhere in profusion. In 1896 a British military expedition was sent against this tribe, partly by way of punishment for crimes committed on passing European travelers and their men, and partly in order to bring this warlike tribe under subjection; but it was not until 1905, after three other expeditions had taken place, that the chiefs and warriors, after a crushing defeat by the British force, finally submitted to the administration.

The religion of the Nandi concerns itself chiefly with:

1. The worship of a Supreme Being.
2. The observance of certain commandments or tribal laws.
3. The practice of prayer and ancestral worship.
4. Belief in the existence of a devil and certain thunder gods.

1. *Worship a Supreme Being.* The Supreme Being is called *Asista*—a word composed of the noun *Asis* and the article *ta* (lit. "the God"). They believe that He dwells in the sky, that He created man and beast and that all the world belongs to Him. It may be observed that the same word *Asista* is also applied to the sun, but the language used in addressing *Asista* has little reference to Him as a "Sun-God." Men are supposed to pray to Him every morning and evening, and additional supplications are addressed on special occasions, such as when the warriors are away on a raid, after saving the harvest, or in time of cattle disease and drought. These prayers are mostly simple requests in the form of "God (*Asis*) give us health, offspring, cattle, milk, etc." "God (*Asis*) guard our children and cattle." They certainly imply that, however vague the personality of *Asis* may be, He takes a benevolent interest in the daily life of the Nandi. His name is invoked by young and old, and al-

ways with reverence. In acknowledgment of His power and as the Giver of all good things, offerings are at times made to Him. Every time a cow is milked or a beast bled, a few drops of milk from each teat or a few drops of blood are allowed to fall on the ground as an offering to *Asista* and the spirits of their ancestors.

2. *Tribal Laws and Commandments.* The Nandi have numerous tribal laws and regulations which are noticeable as showing how far their native customs and beliefs correspond with Christian ideas. Some of these laws are here given, and they are stated chiefly on the authority of investigators who are intimately acquainted with the customs of this tribe and on the personal experience of the present writer. Incidentally these laws show their belief in a Supreme Power capable of punishing any infraction of their moral code. There are no doubt many objectionable features to be found in the customs of these people as amongst other tribes, but if anything good can be said of them, it seems only just to say it, especially when true. The wonder is that one finds amongst them laws so wise and severe in their way, for it must be remembered we are dealing with a tribe that until a few years ago had absolutely no intercourse with the outside world. For convenience sake the writer has followed the order of the Ten Commandments:

1. The Nandi worship a Supreme Being named *Asista*.
2. They invoke His Name with reverence on all occasions.
3. No work is performed by them for twenty-four hours after an earthquake, hailstorm or death in the family.
4. Parents, elders and the maternal uncle are held in high respect, and young people may not look their elders in the face when they meet them. This has nothing to do with the evil eye, but is considered disrespectful. Old people say they can always tell when a person has committed a crime by the look in his face. The most terrible thing that can happen to a Nandi boy is to be cursed by his parents or maternal uncle. Children are taught by their mothers to respect and obey their fathers. On the death of a married man, his widows, children and relatives mourn for him sometimes for months.
5. For the crimes of murder of a relative or homicide, the murderer, if caught soon, was clubbed to death and several of his cattle slaughtered. If not caught soon, he was fined blood money; the price for a man's life was five cows, five bulls and thirty goats; for a woman's or child's, five cows, four bulls and fifteen goats. If a Nandi killed a member of his own clan, he was regarded as unclean for the rest of his life.
6. For adultery, incest, intercourse with a stepmother, cousin or other near relative, the man was flogged, his house and crops destroyed and his stock confiscated.

7. Theft from a member of the tribe is looked upon as a mean and contemptible crime, and the thief was severely dealt with. If a man was caught stealing, or if a theft was brought home to him, he was beaten and fined four times the value of the stolen property. The fine had to be paid by his relatives in case the man himself was too poor. If caught a second time, he was tortured; if a third time, he was killed and his goats and cattle slaughtered. If a woman stole, she was severely beaten the first time; on the second occasion she was tied up and thrashed with stinging nettles, her face and body being in a pitiable state before she was released. The same treatment was meted out to children guilty of theft.

8. In case a person is accused of having committed any crime except theft, he may demand a trial by ordeal. He searches for a human skull, which he takes to the house of the accuser and deposits it at his door, saying at the same time: "If I have done this thing, may this head eat me; if I have not done it, may it eat thee." If the accused is guilty, it is believed that he will surely die within a few days; but if he is innocent, his accuser will die. In the event of a man being falsely accused of theft, he will take a handful of grass, and whilst holding it at one end himself, will offer the other end and a knife to his accuser. Should the latter accept the challenge and cut the grass, which is regarded as sacred, it is believed that he will die if the accused is innocent. But if he does not die, the accused is considered guilty and punished accordingly.

9. As polygamy is allowed, a man may have as many wives as he can purchase and support. He has in the first instance to pay a certain number of cattle and sheep to the parents of the girl. Each wife has her own house, and with her children attends to a portion of her husband's property, both live stock and plantations. The first wife is always the chief wife and her eldest son is considered the eldest son of the family, even though one of the other wives bears a son first. A man may divorce a wife for certain reasons, though amongst the Masai tribe divorce seems to be unknown, but he cannot claim back the marriage portion unless he can find somebody else to marry her. A wife who has had a child cannot be divorced, though the husband and wife may live separated. When a man beats his wife, it is usual for the woman to take shelter with a member of her husband's clan, who is expected to act as intermediary and restore peace. If a man frequently ill-treats his wife, he is cursed by the members of his own clan. A married woman who has done wrong and expects to incur her husband's anger, generally goes to her father and begs an ox, which she takes to her husband as a peace offering.

10. Nobody dares to steal anything from a blacksmith, though

his forge is always left quite open, as the owner of the stolen article will heat his furnace and whilst blowing the bellows will curse the thief, who, it is believed, will surely die. Nor does any one steal from a potter, as the women who make the pottery will curse the thief the next time they heat their wares. The laws regarding the inheritance of property by the children and wives of a man are strictly observed, as also the inheritance by daughters of their mothers' ornaments and household utensils. Individual or family ownership in land is recognized. There is no penalty for assaults, even though the injured person loses an eye or a limb; but while he is suffering from the effects of the injury, the man who assaulted him has to slaughter animals occasionally to provide him with food. Should the person eventually die from the effects of the wound, it is regarded as murder and the usual fine of cattle has to be paid in full, notwithstanding the fact that a dozen bullocks may have been slaughtered during the person's illness.

3. *Worship of Ancestors.* The Nandi belief in the existence of ancestral spirits, called *Oïk*, is very strong. The spirits of departed ancestors and adult relations are held to be responsible for sickness and death; they are appealed to for protection and propitiated by offerings of milk, beer and food from time to time. The human soul is embodied in a person's shadow, and when adults die it survives, though the souls of children are believed to perish entirely. The *Oïk*, or spirits of the departed, are supposed to live under the earth and are rich or poor in their spirit-world in proportion as they were so in their human existence. Those of them who had great possessions on earth are equally blessed when they die, while the spirits of poor people have as hard a time of it after death as they had during life. The Nandi tell the story of a man who went to the country of the dead, but was sent back because he had arrived before his time. They say that years ago a young man fell into a river and was drowned, after which his soul went to the land where the spirits dwell. When he opened his eyes he found himself in a strange country where there were hills, streams, plantations and oxen, just as on earth. The spirits of his ancestors came to him and said: "Young man, your time has not yet come when you should join us. You are still far too poor. Go back to the earth and get cattle." Upon that they struck the ground and the man regained consciousness to wake up near the place where he had fallen into the river.

But the spirits of their ancestors cannot be wholly malevolent, for they are invoked to protect children and absent warriors. In their commonest form of prayer, which is supposed to be said by the old men daily, after addressing *Asista*, they continue: "Our spirits

(*oiik-chok*) guard us; you died (naturally); do not say you were killed; protect us who are here above." As the spirits are supposed to be below, it is evidently implied that the spirit of a murdered man would be malignant and revengeful. Another prayer, accompanied by libations of beer poured on the ground, runs: "Our spirits, we have prayed to you; look at this beer; give us health." Still more definite is the offering of beer and corn to a spirit who is supposed to have caused sickness in a family. Should a woman be ill, the brother of the invalid takes some grain, beer and milk, which he sprinkles between the bed and the door and also throws some outside the house, saying to the spirit responsible for the illness: "Go away, so and so; look at this beer and grain! Beer and grain we have poured and sprinkled on thee; enjoy them as thou goest!" The ceremony is concluded by those present taking a handful of *eleusine* grain and throwing it away for the benefit of the angry spirit. Should any fall in the fire and crackle, it is regarded as a good sign.

4. *Thunder Gods.* Besides *Asista* the Nandi say there are two other superhuman beings—the one the kindly thunder god, which they love, heard when the thunder rumbles in the distance; the other the wicked thunder god, heard when it crashes high overhead and which they fear. The thunder gods are not worshipped nor are any offerings made to them. The loud crashing of the thunder overhead is said to be the bad god (*ilet-neya*) trying to come on earth through the dominions of the good god to kill people, whilst the gentle rumbling is the good thunder god (*ilet-nemic*), who is protecting them and driving away the other. Forked and sheet lightning are considered to be the swords of the bad and good thunder gods, respectively. Whenever forked lightning is seen, the people look on the ground, as it is thought wrong that they should witness the work of destruction which God (*Asista*) is allowing to take place. They believe also in the existence of a devil² called *Chemosit*, a wicked spirit who is supposed to live on the earth and to prowl around in the dark, searching for people to devour, especially children. He is said to be half man, half bird, to have only one leg and a red mouth, which shines at night like a lamp. He hobbles along by means of a stick resembling a spear, and which he uses as a crutch. His method of catching children is to sing at nighttime near where they are living, and the children, seeing the light and hearing the song, think that a dance is being held, and should they go to it, are lured to their destruction. It is very probable that it is their wily medicine-man himself or one of his emissaries who assumes the character of *Chemosit* during these nocturnal perambulations.

² The Baganda name for devil is "musota" (snake); the Christians say "masitani" (Satan); the Kikuyu, "ngoma" (spirit), and the Masai "Ol-manani" (demon).

V. MASAI RELIGIOUS BELIEFS.

Of all the tribes in East Africa the one called the Masai is perhaps the most important as well as the best known. At least it was the one most dreaded formerly, for long before the establishment of a British protectorate in the country, alarming news about the fierceness of the Masai warriors armed with six-foot spears and oval leathern shields, had reached Europe. Until a few years ago the tribe occupied the whole of the grazing ground in the Great Rift Valley, extending from Lake Baringo on the north to south of Mount Kilimanjaro, in German territory.

They are a pastoral people, except a small section, possessing, it is estimated, about 100,000 head of cattle and over 2,000,000 of sheep; but they are no longer nomadic, as the exigencies of the colonization of the country by white settlers necessitated the placing of the Masai in reserves. In former years the tribe kept up a standing army of warriors, ready at a moment's notice to defend their flocks and homes; and even still they preserve their military organization to some extent, whilst at the same time loyally observing the treaty entered into with the British administration when they agreed to withdraw from their extensive grazing grounds.

It is the opinion of most ethnologists who have touched on the subject that the Masai represent an early mixture of the Nilotic Negro and some Hamitic tribe of Northeast Africa. That the tribe drifted down from the direction of Abyssinia or Galaland is fairly well established, but there is nothing to show when the movement southward took place. It is admitted that they have been for a considerable period in the district known as Massailand. They have lost, however, all remembrance of their origin, except what is contained in their legends and folklore. Some writers regard the Masai as belonging to the same stock as the Hebrews and quote a number of their traditions respecting the creation of the world and the deluge which have a slight resemblance to the Biblical versions of these events. As many of both sexes have, it is true, a strikingly Hebrew cast of features, it would lead one to infer that the Masai, coming originally from the northeast of the Continent of Africa and possibly at one time in touch with tribes influenced by ancient Arabia or Palestine, may represent not only an improvement of the primeval African stock, but a debasement of some Asian race.

In common with the Nandi and a few other surrounding heathen tribes, the rite of circumcision is practiced amongst them. This ceremony, which takes place about every seven and a half years for the youths of the country, is regarded as the transition stage from boyhood to manhood, and there is little doubt but that it has also a

religious signification. The male members of the tribe are divided into boys, warriors and married men, named, respectively, in the singular, *lyoni*, *murani* and *moruo*. They are further divided into what are called "ages;" that is, all those who are circumcised the same year are said to belong to a certain "age" or period (of eight years), and this fact constitutes amongst them a sort of brotherhood. Great importance is attached to the circumcision ceremony, which all boys have to undergo when they are between the ages of thirteen and seventeen, but it may sometimes be delayed later should the youth's family be poor and unable to afford the necessary present of a goat to the operator and an ox for the feast. After circumcision a Masai youth becomes a warrior and remains so until he retires, about the age of thirty-two, when he marries. As a rule the warriors do not live in the villages of the married people, but in temporary kraals of their own with the cattle. Their diet consists almost exclusively of meat, milk and blood; whilst they remain warriors they are forbidden the use of tobacco, fish, eggs, fowl or intoxicating drink. On certain solemn occasions milk is poured on the ground by way of libation and grass is held in the hand when praying, these two articles being regarded as quasi-sacred, or at least as the two most precious gifts of God; hence the warriors say they must not till the soil, as it would be killing the grass, nor boil the milk, as it would be displeasing to their god *Engai* and a kind of desecration.

The Masai have a strong belief—(1) in the existence of a Supreme Being and pray³ to Him frequently; (2) in a black and a red god; (3) in the immortality of the souls of their chiefs; (4) in the supernatural powers of their wizards.

1. *Pray to a Supreme Being.* Like nearly all other East African tribes, however, their religious ideas are vague and little has been developed amongst them in the way of religious cultus or mythology. The usual name used by them to designate God is *Engai*—a word composed of the feminine singular article *Eng* and the substantive *ai*. The name *Engai* (God) is applied to a Being whose power is far beyond those of their minor deities or ancestral spirits, and Who is regarded as their great Benefactor because He sends the rain to make the grass to grow which feeds their cattle. It is used by them in a definite sense to mean a Being associated with the heavens above Who hears their prayers and is able to grant their petitions. It is also used impersonally to describe the operations of nature, such as raincloud, thunderstorm, volcanic eruption. In this secondary sense the meaning seems to be rather that the phenomena observed is the work or production of *Engai* (God) than that it is

³ See "Irish Ecclesiastical Record," March, 1912—article on "African Native Prayers."

Engai Himself, as He is able to produce results not attainable through inferior spiritual agencies. As a rule the people mention the name *Engai* only on solemn or ceremonial occasions, and then with the greatest respect and reverence.

2. *A Black and a Red God.* Another belief of the Masai is that there are two gods—a black one and a red one, the former being good and the latter malevolent. The spiritual function of the black god (*Engai narok*), who is kind and benevolent, is to send rain in order that the grass may grow to feed their flocks, while the red god (*Engai nanyokye*) endeavors to prevent the rain to kill them. These two gods correspond in their respective offices with the two thunder-gods mentioned in Nandi mythology. So when they see the forked lightning and hear the thunder high up in the heavens, they believe it is the red god who is trying to come to the earth through the black god's dominions to kill human beings; but when they hear the gentle rumbling, they say it is the voice of the black god, who is saying, "Leave the people alone; do not kill them." On this account the black god is loved, as he dwells near them in the dark cloud from which he sends the rain, whilst the red god, represented by the forked lightning, is greatly feared. This belief of theirs that the good god is close at hand and watches over them, whilst the bad god is far away, which is probably no accidental idea, but due to the fundamental characteristics of the Masai mind, has doubtless saved untold suffering, for it does away at once with the necessity for offering human sacrifices and all similar methods of propitiating cruel, unseen spirits, as was done formerly in Uganda, Dahomy and other places.

Besides the black and red gods, the Masai hold in veneration a certain quasi-divine personage named *Naiteru-kop*. He is apparently a kind of deified man and is supposed to dwell amidst the snow on Mount Kilimanjaro. His power is by no means as great as *Engai*, and although regarded as their Adam, he is not the creator, but merely the arranger of the present order of things in the world. *Naiteru-kop* is said to have obtained by some means a child, whom he called *Le-eyo*. This child when he grew up to be a man had two sons, the younger of which became the founder of the Masai tribe, whilst the elder, having lost his birthright—like the eldest son of Isaac—became the ancestor of the other inferior tribes. It was, they say, through an act of disobedience on the part of *Le-eyo* that death first entered into the world.

3. *Souls of Chiefs Immortal.* With regard to a future existence, the Masai believe that the souls of great chiefs, like the great chief Mbatian, go to some happy grazing ground after death and burial; that the souls of minor chiefs and medicine-men turn into snakes,

whilst the souls of ordinary people cease to exist as soon as the bodies are eaten up by the hyenas. It is believed that all is over with these poor people when they die, as with cattle, and that their souls do not come to life again. But when a rich person or wizard dies and is buried, his soul is turned into a snake as soon as his body rots and that the snake goes to his children's kraal to look after them. In consequence of this belief the Masai do not kill their sacred snakes, and if a woman sees one in her hut, she pours some milk on the ground for it to drink, after which it will go away. It is thought that some of their more notable ancestors also return to the earth in the shape of snakes, either as pythons or cobras. The tribal snake of the Masai must be black, because they are black themselves. They imagine that light-colored snakes look after the welfare of white men.

4. *Sacred Objects.* They do not appear to have, to any great extent, belief in witchcraft, which causes so much crime and unhappiness amongst other tribes. Their *Laibons* (wizards) do not profess to detect witches like those of the A-Kamba and A-Kikuyu tribes; they are rather diviners who foretell the future by such methods as casting pebbles, inspecting entrails, interpreting dreams and prophesying while under the influence of intoxicants. They can also, according to popular stories, perform miracles, such as changing fruit into children, bringing on rain and similar performances. No one can give any explanation of their power; they are able to do such things simply and solely because they are medicine-men. The people say there are no such things as ghosts, because they do not see them, but cattle, when they all gaze towards the same spot, are supposed to be looking at some spirit invisible to human eyes.

The Masai hold in respect certain trees, and, as has been observed, regard grass as a sacred symbol. When wishing to make peace with an enemy or to appease the hostility of man or god, they pluck tufts of grass, which they hold in their hands while praying, or, in default of grass, green leaves. The trees they particularly reverence are the *subugo*, the bark of which has medicinal properties, and the *retete*, a species of parasitic fig somewhat resembling mistletoe. As with the Nandi, milk also is held by them in high esteem, for whenever Masai women milk their cows they take some milk from the gourd and pour it on the ground, saying, "God likes this."

But it is because they believe grass is the gift of *Engai* (God) that they love it so much. They say, "God gave us cattle and grass; we do not separate the things which God has given us." Not only is grass regarded as a sacred symbol when praying to God, but also

when making peace, whether privately or publicly. Should a man with grass in his hand ask forgiveness of another and his request be not granted, it is said of the man who refuses to listen to the prayer that he is merely a wild savage who knows no better. After a war, when the Masai made peace with other people, the warriors took two important elders—a cow which had a calf and a woman who had a baby—to the place of meeting; the enemy did the same. They then met together, everybody present holding grass in his right hand, and exchanged the cattle; the enemy's child was suckled at the breast of the Masai woman and the Masai baby at the breast of the woman belonging to the enemy. When the proceedings were over they all returned to their homes, knowing that a solemn peace had been entered into by both parties. Hence grass occupies a prominent place in the Masai category of things sacred to *Engai*; it is often placed for good luck between the forked branches of trees along the road when a party of warriors proceed on an expedition, and it is always thrown after the warriors by their mothers and sisters wishing them a safe return.

VI. CONCLUSION.

In the foregoing necessarily curtailed sketch of some African religious beliefs the writer's object has been to give some idea, however inadequate, of the various forms of these beliefs as found amongst heathen tribes, and at the same time endeavor to show that deep in the heart of the untutored African there is the most important one of all—belief in a Supreme Being. It is evident that this belief in most cases has been almost destroyed by tribal superstitions and by the pernicious practices of crafty wizards who seem to have attained their power in comparatively recent times. Most African tribes can trace back the sway of their medicine-men only for the last six or seven generations. The view that there has been a corruption of revealed truths by heathen races seems highly probable. "In the beginning was God"—one only—but heathen nations in their ignorance, like the Greeks and Romans, multiplied the number *ad libitum*. How far the Negro race was influenced—if at all—by the Israelites, the chosen people of God, or by anything contained in the Mosaic Law, it is difficult to say. Whatever may be the present religious ideas of the tribes we have been considering, at any rate their primitive religion was not polytheism. Hence the only rational account of the Africans' religious knowledge is that which has as its guiding principle the truth that religious beliefs were first set in motion by communications from God to man. The two great truths, viz., the original unity of the human race—as recorded in the Bible and proved by the comparative study of languages

—and the original unity of belief in one Divine Being—founded on revelation made to the ancestors of the human race—are corroborated even by the lowest type of African native. And the lowest type of native in an African forest is immeasurably above the highest type of baboon, all the arguments of Darwin and followers to the contrary notwithstanding.

We read in the Book of Genesis that the human family was originally one; that its members lived together for a considerable time, using a common language and having common occupations; that there was a deluge, in which all perished except one family, and that this family was the noblest and purest of the human race. Now the members of the family which survived the catastrophe were not savages nor barbarians. They inherited all the accomplishments of the most cultured portion of the human race during that long period which intervened between the Creation and the Deluge—a period during which we are told considerable progress had been made in arts essential to civilization. They alone knew all that was then known on earth about the Creator. All ancient traditions concur in the Biblical statement that this family separated not very long after the Deluge. Ethnologists admit after this separation the most striking characteristics of three great races became distinctly marked in the earliest extant documents. Leaving aside two of these races, we may reasonably suppose that after their separation the great fundamental truth—belief in the existence of the Creator and Ruler of the universe, which the events connected with the Deluge must have firmly fixed in their minds—was handed down also by Cham, the son of Noah, to his descendants, including the Negro race. Other truths were handed down as well, most of them to be overlaid in process of time by tribal customs and false superstitions, until now barely a trace remains of them.

Still one is glad to discover even a trace of religious belief amongst heathen tribes, warring with one another for so many ages, cut off from all sources of light and dwelling so long in utter ignorance of mind and darkness of soul. With them it has certainly been a case of the survival of the strongest as well as the fittest. Living, as most of them did, according to the patriarchal system of government, it was fortunate that many of their great chiefs formulated wise laws based on the belief that a Supreme Being existed and watched over them—laws existing to this day and which have helped to preserve from extinction the tribes that observed them. In all charity and sincerity we may express the earnest hope that a long-suffering and a long-neglected race of people like those we have been describing, possessing as they do many admirable qualities, may be afforded in the near future a full, if tardy, opportunity of embracing Chris-

tianity; for assuredly the dusky tribes in Equatorial Africa are also included in the loving words of our Divine Lord: "Other sheep I have that are not of this fold; them also must I bring; and they shall hear My voice, and there shall be one fold and one Shepherd." (St. John x., 16.)

LUKE L. PLUNKETT, S. S. J.

Pass Christian, Miss.

Book Reviews

THE CATHOLIC'S READY ANSWER. A Popular Vindication of Christian Beliefs and Practices Against the Attacks of Modern Criticism. By *Rev. M. P. Hill, S. J.* 8vo., cloth, net, \$2. New York: Benziger Brothers.

While there are many books in existence that answer questions asked by those seeking information concerning Catholic matters, and many sources on which the earnest inquirer after truth may draw, the book before us has a peculiar value and interest that make it stand out as worthy of special attention. Other similar books are generally courses of instruction in a formal sense, or are special treatises, but this book is compiled especially to furnish ready answers to those questions or objections that come up at this time, and in this country, and that cannot be answered readily, except by an educated man, or by one who has an extensive library with the time and ability to use it.

The history of the book will make its purpose and value clearer.

"It is not many years since Father F. X. Brors, of the German province of the Society of Jesus, sent forth to the world a small volume entitled '*Modernes A B C*' (Modern A B C), of which the scope and to a great extent the contents were identical with those of the work which we now present to the English-speaking public. Written in German and intended to meet the controversial needs of the author's own countrymen, the little book soon justified its appearance in the field of polemics—at least, if we may so judge by its great popularity. German Catholics of average education found in the '*Modernes A B C*' an arsenal from which they could draw defensive weapons which were not less effective than easily handled. The number and the variety of the subjects treated and the ability with which they were discussed enabled the reader to give apt replies to all manner of objections brought against revealed religion and the teachings of the Church."

"Recognizing the merit of the work, we very readily accepted the invitation to reproduce it in the vernacular. The mere translation was accomplished in a comparatively short space of time; and if we could have been satisfied with a bare rendering of the original into English, '*The Catholic's Ready Answer*' would have seen the light of day long before the present date; but as we proceeded with the translation, we became more and more convinced that the new version, to meet the requirements of polemics in English-speaking countries, must diverge in some respects from the original. The need of much adaptation, of not a few omissions, and of a considerable number of additions seemed imperative."

"There was one peculiarity of the work which was quite distinctive

of it and to which it doubtless owed much of its success, but which, nevertheless, we thought might be a drawback in regard to one class of readers whom we were anxious to reach. In the treatment of important subjects, such as the Eucharist, Miracles and Socialism, the subject-matter was in each case broken up, distributed under a number of distinct captions and dispatched in short articles, which were crisp and to the point and served to equip the reader with ready answers, especially useful in an emergency. Very much of this character we have indeed sought to preserve in the work we have now sent to the press; but in order to meet the wants of sincere inquirers after the truth, who are very numerous in English-speaking countries, and who would probably prefer a more full, thorough and continuous discussion of the more important subjects, we have thought it advisable in some cases to unite the *disjecta membra* of the original in articles of exceptional length. In the place of the subordinate topics thus left untreated separately, cross-references, aided by the index at the end of the volume, will point them out to the reader in the logical position they occupy in the longer articles. This method we have adopted the more readily as we have desired to make the work serve the purpose of a treatise, brief but fairly complete, on the evidences of religion."

"Finally, notwithstanding the general comprehensiveness of the original, it left untouched a certain number of subjects, e. g., Christian Science, Pragmatism, Theosophy, which of late years have arrested the attention of the Christian apologist. Articles on these subjects we have thought it our duty to supply."

"In the pursuit of these aims we have not been unaware that our book has been gradually assuming the character of a new work instead of being simply an English version of the old one. If this has been, in some sense, inevitable, and if it compasses the object we have had in view, our act of contrition for having tampered with the able work of a skilled controversialist will perhaps be somewhat qualified."

"Both in the original and in the English adaptation the work, though chiefly polemical in its scope, does not strictly confine itself to controversy, but endeavors to inculcate right notions of individual duty, especially as bearing on situations in which conscientious persons often find themselves in the very complex life of the present age. This is particularly the case in the articles on Mixed Marriages, Divorces, Labor Unions and Education, which we trust will be helpful to those whose principles are in danger of being warped under the influence of their environment."

The book should receive a warm welcome. How often do we

hear the question asked, Where can I get an answer to that objection? How often the priest is puzzled for the moment when some modern objection is placed before him which he is expected to answer promptly? Of course, he can get the answer, but sometimes it means a patient search through one or more volumes, or perhaps a previous search for the book from which the answer is to be culled. "The Catholic's Ready Answer" is intended to meet this difficulty for both priest and layman. It will be of service to both, and should be in the hands of Protestant as well as Catholic.

THE PRIESTHOOD AND SACRIFICE OF OUR LORD JESUS CHRIST. By *Rev. J. Grimal, S. M.* Adapted by the author from the third French edition. Translated by *Rev. M. J. Keyes, S. M.* 12mo, cloth, 400 pages; net, \$1.75. Philadelphia: John J. McVey.

The object of this book is set forth most eloquently by this quotation from P. Quesnal's Preface to Father Condren's work on "The Idea of the Priesthood and the Sacrifice:" "The masterpiece of God is Jesus Christ, and the masterpiece of Jesus is His Church and His religion. But that which is greatest, most holy and most august in Jesus Christ, in His Church and in the Christian religion is His priesthood and His sacrifice. His priesthood is the object of His Incarnation, as His Incarnation is the source of His priesthood. The Son of God is made man only to be the Priest of His Father, the Pontiff of the true religion; and He is a priest, as St. Paul teaches, only because He is the Son of God. But the end of the priesthood of the Son of God being His sacrifice, from this it follows that the science of the Christian religion consists in the true knowledge of the Incarnation, the priesthood and the sacrifice of Jesus Christ." Starting with this quotation the author continues:

"The whole religious history of the human race, its entire religious life, on earth and in heaven, is centred in the infinite sacrifice offered up by the eternal Pontiff. The Cross is foreshadowed in ancient worship; the Cross is the foundation of Christianity, to which, especially through the Blessed Eucharist, it gives light and life; heaven itself is but the glorious consummation of the Cross.

"To cover so vast a subject this study is divided into four parts:

"1. Preparation: Jesus, Priest and Victim, is prefigured and foretold by the ancient priesthood and sacrifice.

"2. Realization: Jesus, constituted a priest preëminently by the Incarnation itself, offers the infinite sacrifice on the altar of the Cross.

"3. Heavenly Consummation: Jesus, the eternal Pontiff, enters heaven as the true Saint of saints, there to bring to its perfection

and consummation the unique sacrifice of the Cross. This He does by opening heaven to the elect, who now through His death possess the promises of the New Testament; but above all, by eternally offering to the Father the homage of His holy humanity, united with the homage of the Blessed, His mystical body, in that state of glory which is the necessary confirmation and consequence of the efficacy of the Cross.

"4. The Eucharistic Continuation: In the Blessed Eucharist, Jesus, the High Priest, renews to the very end of time the oblation of the Cross. His aim in this is to constitute for His Church a perfect sacrifice, in which she may offer herself through Him and with Him; and to hold forth to Christians a means of being united with the Victim, who conducts them to the heavenly consummation by incorporating them with His death."

To the objection that the "Preparation" might better form an introduction and the "Consummation" an appendix, the author says:

"To go directly to the feet of our Pontiff and to prostrate ourselves there in contemplation of His sacred ministry both on the Cross and on the Eucharistic altar—this we could certainly have done. The central point of our study, that on which Revelation has thrown the most light and from which can be drawn the most practical conclusions, is the priesthood of Jesus Himself as He offers the infinite oblation on the Cross and renews it by the ministry of His priests to the end of time. But to treat the "Preparation" and "Consummation" summarily by way of introduction or appendix would seem to us to lessen the greatness of the dogma of Christ's eternal priesthood and infinitely efficacious sacrifice. The Sanctuary of our Pontiff is disclosed to us in all its beauty and true glory only when we approach it, as if by a majestic portico, through the religious life of ages past, and then behold above the altar of the Cross the eternal adoration in heaven like a dome of glory crowning all.

"Without Bernini's Colonnade and Michael Angelo's Cupola could St. Peter's be called "the only work of man which has something in it of the grandeur of the works of God?" Those long rows of columns, opening like gigantic arms to embrace the world, make a worthy approach to the Temple of the Catholic Jerusalem. The dome, colossal and light, while it strengthens, at the same time relieves the mighty structure; and it throws through the vast naves, on the polished marble and rich gold of altars and vaults, a special resplendence, bringing to mind the Living Light which illumines the Sanctuary of heaven. And just as columns and dome and nave and altar must not be viewed alone, but as parts which go to make up the beauty of man's masterpiece, so also the dogma of Christ's

priesthood and sacrifice, God's own masterpiece, must be seen in that harmonious and splendid entirety, which embraces the centuries of religious life upon earth and the eternity of adoration in heaven.

"Our purpose is not so much to prove the dogma of the priesthood as to cause it to be dwelt upon, so that from its consideration there may be drawn vital conclusions concerning our greatness, our obligations and our strength as priests. These pages were sketched in the first place by a professor for his students. He wished to help seminarians and young priests to prepare better for ordination or to understand more clearly their priesthood and sacrifice. The work has still the same character, still the same destination. It is only a treatise of dogmatic theology developed with a view to piety.

"First of all, the Epistle to the Hebrews shows us, in the *Second Part*, how Christ was constituted the supreme Pontiff of the Christian religion by His Incarnation itself. After this we dwell on our priesthood, the very priesthood of Jesus, which makes us other Christs, and we proceed to trace Mary's part in the foundation and exercise of our calling. Having proved against Liberal criticism that the idea of a sacrificial death is a real part of the message of Jesus, we devoutly contemplate Jesus as Priest and Victim in the great act of sacrifice, and we learn to follow Him in a priestly Way of the Cross. In the *Fourth Part* especially, the dogmatic thesis will be interspersed with practical applications on Mass and Communion, on preaching the Eucharist, on our own personal faith in that Living Bread, and lastly on our death, our final sacrifice."

This is a very strong book: it moves, it draws, it holds the reader, and it should convince and transform him. It is not negative—it is positive. It is not possible to take it up and lay it down without coming nearer to God, or going further from Him.

PRAGMATISM AND THE PROBLEM OF THE IDEA. By the Rev. John T. Driscoll, S. T. L., author of *Christian Philosophy*, *The Soul and Christian Philosophy*, *God*, etc. 12mo., pp. 275. New York: Longmans, Green & Co.

"The present volume is the result of studies carried on for some years in an endeavor to show that the most recent Theory of Philosophy known as Pragmatism rests upon an erroneous philosophical basis.

That the groundwork of Pragmatism is a false conception of the idea was fully illustrated by the author in a course of lectures delivered at the Catholic Summer School of America during the session of 1902. This course is summed up in the chapter of the present work entitled Absolute Pragmatism. A critical analysis of the works published by the leading exponents of Pragmatism has fully confirmed the judgment of the writer.

"The plausibility of the arguments advanced, and the fact that in the last analysis God, in the Christian sense of the term, is excluded from human thought and life, make their theory especially dangerous.

"The proof that Pragmatism is fundamentally false is based on data taken from the writings of Professor Royce and the late Professor James, of Harvard; Professor Dewey, of Columbia; Professor Schiller, of Oxford, and Professor Bergson, of the College of France, who are recognized as the leaders of the new philosophy."

That Pragmatism is worthy of notice is clear from this list of leaders of the New Philosophy or Philosophical Tendency. Any system or quasi-system of philosophy which has been accepted and is being taught in leading universities demands the serious attention of thinking men. If it is true, it should be accepted; if it is false, it must be rejected; it cannot be a matter of indifference. As the author says: "The teachings of Professor James and of Professor Bergson are not confined to the classroom. They are read and discussed in business, professional and social circles. The nature of this influence is materialistic and sensual. Their writings are in harmony with a certain trend of modern life, and consequently seem to furnish a philosophical basis for and a justification of this trend."

"In the business and professional world to-day the ruling principle is success. To obtain results is the great purpose and aim. By results is understood material gain. Professor James and Professor Bergson present a Psychology and a World-Theory conformable to this frame of mind. This Psychology and World-Theory are really based on the principle that 'the end justifies the means.' The means employed are not judged with reference to a principle of right and wrong. They are considered to be true and good if useful or expedient to the purpose in view. Hence the truth or goodness of an action or of conduct is gauged by success alone, and this success is personal and always of a practical kind.

"In making the morality of action or conduct depend on material or practical success, the very notion of morality is destroyed, for there is one fact absolutely certain in human life—that there is a moral law of right and wrong based on the very nature of things.

"Moreover, in teaching that practical success is the only test of what is true and good, Pragmatism advocates a principle which leads to most disastrous consequences in individual, social and political life. It professedly proclaims that might is superior to right; that trickery and dishonesty are superior to uprightness and truth. The thoughtful reader is appalled at the results which would follow from the rigid application of such doctrines. Law and order would no longer exist. Personal and public conscience would be-

come words with no meaning and the practical man would rule them out of his vocabulary. Civilization would be shaken to its very foundations, for our civilization is based on the Christian moral law."

These quotations will give the reader some idea of the false foundation on which the system is built and the manner in which the author treats it. Those who are acquainted with Father Driscoll's philosophical writings need no assurance that he is at all times a safe guide in this very dangerous field.

THE PERSONALITY OF CHRIST. By *Dom Anscar Vonier, O. S. B.*, Abbot of Buckfast. 12mo., pp. 275. New York: Longmans, Green & Co.

The author thus explains his purpose:

"The four Gospels are the books most written about and most commented on in our own days. No age has produced anything superior, in finished scholarship, to the Gospel literature of our times. Even those exegetes from whom the fullness of the Christian faith is not to be expected are mostly reverent and often exhibit learning of the highest quality. Indeed, the modern system of 'meditation,' on the other hand, as an integral part of spiritual and ascetical life, has produced **an endless variety of books** in which Christ's Life is set forth in a way that ought to be most efficacious in making us understand the Gospels, as they are ransacked by the writers of 'Meditations' in order to compel us to more intimate love for and more close **imitation of Christ**. Some of those productions are really superior studies of the wonderful character of Christ, and they give us what mere exegetical learning could never give—an insight into Christ's intimate Life. The present work is neither exegetical, nor apologetical, nor devotional, but strictly theological. Catholic Christology has received less attention from the public, though our own days have seen the production of some first-rate treatises *de Verbo Incarnato* by professional theologians. Yet we cannot entirely neglect the theological view of Christ without grave dangers to both our exegetical and devotional efforts. In my own humble way I am trying to help in filling up the great gap with the present modest book.

"The English fathers of the Dominican Order are bringing out an English translation of the third part of the Summa of St. Thomas Aquinas, which is his treatise on the Incarnation. That there should be a demand for such a work, in the Anglo-Saxon world, is a thing to rejoice the angels; there are evidently men amongst us eager to penetrate the subtleties and sound the depth of the masterpieces of religious thought.

"My book is a very unconventional rendering of the most im-

portant points of the third part of the Summa; but I trust that I have at least succeeded in giving the spirit of the great mediæval saint and thinker, and if the following pages produce a desire in the reader to go to the Summa itself, I shall consider that I have had a notable success."

This last sentence is sufficient recommendation. St. Thomas and the Summa are magnets strong enough to draw even the most lag-gard student. With such a guide and such a map, one cannot go astray in the field of theology. But the author is too modest. He is not only a faithful follower of the great master, but also an efficient co-worker. He has given us a clear, concise, informing and satisfying treatise on the Personality of Christ. The importance of the book cannot be questioned, for we cannot base too much on the subject, and we generally have too little.

SISTER GERTRUDE MARY: "A Mystic of Our Own Days." (The Sister of the Community of St. Charles, Angers, who foretold the Conversions of Caldey and St. Bride's). Extracts from Her Diary, translated by a Nun of St. Bride's. With a Preface by Dom Bede Camm, O. S. B. 12mo., pp. 230. Illustrated. New York: Benziger Brothers.

How often do we not hear the question asked, Why are miracles no longer worked? Why are there no modern saints? Why did all the mysteries die long ago? And these questions are asked, not by persons who are in doubt and seek information, but they are rather declarations in an interrogatory form.

Such persons are surprised when we answer that the age of miracles is not past, but that, in addition to the numberless unrecorded ones of modern times, we have the recorded and authenticated miracles of Lourdes, sufficient in number and variety to convince even the incredulous though earnest seeker after truth.

They are also astonished when we remind them that the majority of saints on earth, as in heaven, are uncanonized and unknown, and that even in modern times many holy souls have been beatified, which is practically canonization, though limiting the cult of the saint to a certain community or a certain locality. And now, perhaps, they will be still more surprised to learn that the mystics did not all die a long time ago, for here is one who was born in Anjou in 1870 and died in 1908. These extracts from her Diary, which was written under obedience to her Director, were made by a Nun of St. Bride's, because Sister Gertrude Mary had foretold the conversions of the Monks and Nuns of Caldey and St. Bride's.

The revelations here recorded are very wonderful, and there is a simplicity of thought and language about them that stamps them with the air of truth and makes them irresistible.

They cover a wide field, including Immolation, Purgatory, the Saints, the Angels, the Blessed Virgin, the Child Jesus, the Sacred

Heart, Holy Mass, Holy Communion, the Father, the Holy Spirit, the Holy Family, and Divine Being.

Here is a splendid antidote for a material, unbelieving, pleasure-loving age; an overflowing ampulla of oil for the lamp of faith.

THE GOLDEN LEGEND. *Lives of the Saints.* Translated by William Caxton from the Latin of Jacobus de Voragine. Selected and Edited by George V. O'Neill, S. J., M. A., Professor of English, University College, Dublin. 12mo., pp. 293. Cambridge: At the University Press.

The title of this volume—a translation of the Latin words “*Legenda Aurea*”—recalls the custom in mediæval church and monasteries of gathering into a large volume records of the lives and deaths of saintly personages, and reading them aloud according as the ecclesiastical year brought round their memorial days.

The “*legendæ*” of particular churches or monasteries would naturally be of local and limited scope. The thirteenth century—an age of mental awakening—demanded something of wider range, an encyclopedic volume which would deal in attractive style with the saints of all times and places—their deeds, sufferings and miracles. Hence the “*Legenda Aurea*,” or “golden,” from the master mind and pen of Jacobus de Voragine.

The object of the present volume is to make a selection from the original work for popular though not unscholarly reading. The lives selected, twenty-two in number, represent about one-tenth of the “*Legend Aurea*,” which with very copious notes and two introductions make up a volume of 300 pages. The lives are not only interesting and edifying, but the quaint style and odd spelling lend a charm to them which is quite becoming.

QUESTIONS OF MORAL THEOLOGY. By Rev. Thomas Slater, S. J., author of “*Manual Theology for English-speaking Countries*,” “*Cases of Conscience*,” etc. 8vo., pp. 426. New York: Benziger Brothers.

“The doctrine taught by the Catholic Church is vitally necessary to the modern world. We have all been forced to see as with our own eyes what even the highest human culture becomes when it is deprived of the salt of Christian teaching. During the years in which I was engaged in teaching Moral Theology this truth was constantly brought home to me. From time to time I wrote down my thoughts on some particular question of Moral Theology, and sent the result to one of the Catholic magazines. The chief portion of this book consists of such articles. I hope that they will illustrate the truth which I have just stated, and that they will help to bring back to public knowledge truths that should never have been forgotten. Other articles treat of questions which were either specially difficult, or which formed subjects of controversy, but all of them treat of matters of importance, unless I am mistaken. They

are here reproduced not only for the clergy, but for the intelligent laity, both Catholic and non-Catholic." So far the author as to the history, the scope and the purpose of the work.

It is hardly necessary to add anything. Father Slater has already taken his place as the chief writer on Moral Theology for English-speaking people. Perhaps it would be more correct to say that he has earned that place. His ability and authority are unquestioned and his judgment is accepted. When, then, he singles out certain questions of morals as particularly important at the present time and treats them in that clear, authoritative and convincing manner peculiar to him, we owe him a debt of gratitude, because he is bringing the doctrine of the Catholic Church, vitally necessary for the modern world, nearer to it and nearer to men in the affairs of their everyday lives, and making the application of it to their daily affairs more easy and more efficient.

A BOOK OF ANSWERED PRAYERS. By *Olive Katharine Parr*. 24mo., cloth; net, 45 cents.

That there are doubters and disbelievers in the efficacy of prayer is to the true Catholic a thing hard to understand. Perhaps it is partly accounted for by the fact that there is so little effort made at publicizing the countless instances where God has answered prayer—and that seems to end it all as far as the recipient is concerned. The present work is the result of gratitude for favors received from prayer, and it is given to the world to encourage all who need divine assistance to pray in season and out of season.

We read in devotional magazines, sometimes, of answers to prayers for special or urgent needs, and it is customary to announce in church, especially at particular shrines and at meetings of certain confraternities, the requests of members and the answers to them, but as far as we know this is the first book of a strictly personal nature devoted to the subject.

THE MESSAGE OF MOSES AND MODERN HIGHER CRITICISM. A Lecture Given in Houston Hall, University of Pennsylvania. By *Rev. Francis E. Gigot, D. D.*, Professor of Sacred Scripture in St. Joseph's Seminary, Yonkers, N. Y., author of several works introductory to the study of the Holy Scriptures. 8vo., paper, 15 cents, net. New York: Benziger Brothers.

Within its small compass this work supplies the information required for an accurate comprehension of the main points at issue between the traditional position concerning the message of Moses and the theories of Modern Higher Criticism. It likewise sets forth in a brief yet sufficient manner the principal grounds which can be appealed to in order to vindicate the correctness of Jewish and Christian tradition concerning Moses' literary work and monotheistic message.

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